

intended to work undue hardship on any one indebted, but it is hoped that such a law will have a tendency to educate those contracting debts in Texas to more economic habits and to have a greater regard for truth, honor and fidelity to their fellow man.

Under our present laws the very nature and construction of which show an unmistakable tendency to shield the "dead beat" and encourage them in defeating payment of their honest debts, one may lend to another his time, knowledge and merchandise, either for profit or without compensation, means with which to shelter, clothe and feed his family, and has no power in any court of Texas by which he can collect for same, where those so accommodated refuse to pay. Through the operation of these laws, which are the very essence of the basest class legislation, many a fortune has been lost and many a business man censured for failures for which these laws alone are responsible.

Therefore, we petition you not to create a law favoring one class as against another class, but to give us laws of equity between man and man. Laws that will reward honesty rather than encourage rascality; in other words, a "square deal for all and special privileges for no one."

Numerously signed.

By Senator Veale:

We, the undersigned, business men, taxpayers and citizens of the city of Amarillo, Texas, respectfully urge that you use all honorable means in your power to secure such an amendment to the anti-pass law as will permit duly elected delegates of our State Firemen's Association the use of free transportation to and from our annual conventions. We not only urge that you vote for this measure when presented, but fight for its adoption even though our Governor may veto it.

Numerously signed.

By Senator Bryan:

To the Legislature of the State of Texas:

We, the undersigned, citizens of Midland and Upton counties, Texas, who are not members of the Cattle Raisers' Association of Texas, but who are cattle raisers, hereby remonstrate against exempting said counties from the operation of the hide and animal inspection laws of the State of Texas.

Numerously signed.

## TWENTY-EIGHTH DAY.

Senate Chamber,  
Austin, Texas,

Thursday, February 18, 1909.

Senate met pursuant to adjournment, Lieutenant Governor A. B. Davidson presiding.

Roll call, quorum present, the following Senators answering to their names:

Adams.	Peeler.
Alexander.	Perkins.
Brachfield.	Real.
Bryan.	Senter.
Cofer.	Stokes.
Greer.	Sturgeon.
Hayter.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Hudspeth.	Thomas.
Hume.	Veale.
Kellie.	Ward.
Masterson.	Watson.
Mayfield.	Weinert.
Murray.	Willacy.
Paulus.	

Absent.

Harper. Meachum.

Prayer by the Chaplain, Rev. H. M. Sears.

Pending the reading of the Journal of yesterday, on motion of Senator Cofer, the same was dispensed with.

## BILLS AND RESOLUTIONS.

By Senator Adams:

Senate bill No. 239, A bill to be entitled "An Act to confer upon the county court of Concho county the civil and criminal jurisdiction belonging to said court under the Constitution and general statutes of Texas; to define the jurisdiction of said court; to conform the jurisdiction of the district court of said county to said change; to fix the time of holding court, and to repeal all laws in conflict with this act, and declaring an emergency."

Read first time, and referred to Committee on Judicial Districts.

By Senator Mayfield:

Senate bill No. 240, A bill to be entitled "An Act defining what shall be a full crew on passenger trains, run by railroad companies or receivers of railroad companies, doing business in this State; what shall be a full crew on freight, gravel or construction trains, run by such railroad companies or receivers,

and what shall be a full crew on light engines run by such railroad companies or receivers; providing for certain cases to which the act shall not apply, rendering it unlawful for any such railroad company or receiver to run any train or light engine, subject to this act without, in each instance, having the full crew required, imposing a penalty for each violation by any railroad company or receiver of any of the provisions of the act; prescribing the venue of suits to recover penalties for violations of this act and the officers by whom the suits shall be brought, and declaring an emergency."

Read first time, and referred to Committee on Internal Improvements.

By Senator Alexander:

Senate bill No. 241, A bill to be entitled "An Act to create a county board of education, to prescribe the time and manner of selecting same, to prescribe its qualifications, authority and duties; to vest in the county board of education all rights and powers now vested in the county commissioners court with respect to school affairs, and to provide for appeals in the administration of county school affairs, and declaring an emergency."

Read first time, and referred to Committee on Educational Affairs.

By Senator Senter:

Senate bill No. 242, A bill to be entitled "An Act to appropriate out of the general revenue of the State the sum of \$25,000 for the purpose of having erected monuments, markers and tablets on the Chickamauga National Military Park to designate the positions occupied by the soldiers from Texas," etc.

Read first time, and referred to Finance Committee.

By Senator Senter:

Senate bill No. 243, A bill to be entitled "An Act to prohibit the buying or selling of pools, or receiving or making bets or offers to bet on horse races, except through the use of the Pari-Mutuel machine system, conducted by regularly chartered fair associations; to prohibit horse racing on Sunday; to prohibit the use or lease of premises for pool rooms, or for receiving or transmitting bets on horse racing; to provide penalties for its violation; to regulate the dates upon which races may be given, and to establish a State racing commission, and prescribing its powers and duties, and to repeal all laws in conflict herewith."

Read first time, and referred to Judiciary Committee No. 2.

By Senator Veale:

Senate bill No. 244, A bill to be entitled "An Act to amend Section 27, Chapter 164 of the Acts of the Twenty-ninth Legislature of the State of Texas, relating to county depositories."

Read first time, and referred to Finance Committee.

By Senator Murray:

Senate bill No. 245, A bill to be entitled "An Act to amend Article 812, Chapter 5, Title 23 of the Revised Statutes of Texas of 1895, relating to county seats."

Read first time, and referred to Committee on Counties and County Boundaries.

Morning call concluded.

The following bills were introduced later in the day by unanimous consent:

By Senator Hudspeth:

Senate bill No. 246, A bill to be entitled "An Act to amend Article 3356, Chapter 2, Title 67 of the Revised Civil Statutes of the State of Texas, relative to the statute of limitations, and providing that actions based upon county scrip shall be commenced and prosecuted within four years after the cause of action shall have accrued, and providing for cancellation of the same, and providing for an emergency."

Read first time, and referred to Judiciary Committee No. 1.

By Senator Sturgeon:

Senate bill No. 247, A bill to be entitled "An Act to authorize and empower Lamar county or any political subdivision of said county by an affirmative vote of two-thirds of the resident property taxpayers, qualified voters of such county or political subdivision thereof voting thereon, to issue bonds, to any amount, not exceeding one-fourth of the assessed valuation of the real property of such county, or of such political subdivision, and to levy and collect taxes to pay the interest on such bonds, and to provide a sinking fund for the redemption thereof for the purpose of constructing, maintaining and operating macadamized, ballasted, graveled or paved roads and turnpikes, and prescribing ways and means of conducting and supervising said work."

Read first time, and referred to Committee on Roads, Bridges and Ferries.

By Senators Murray and Hudspeth:

Senate bill No. 248, A bill to be entitled "An Act to amend Chapter 5, General Laws of the First Called Session of the Twenty-seventh Legislature, entitled 'An Act to apportion the State of Texas into congressional districts, naming the counties composing the same, and providing for the election of a member of the Congress of the United States from each district, and repealing all laws and parts of laws in conflict herewith.'"

Read first time, and referred to Committee on Federal Relations.

### HOUSE BILL NO. 58.

Senate bill No. 146, being unfinished business, the Chair so stated, and

On motion of Senator Watson, the unfinished business (Senate bill No. 146) was suspended, and the Senate took up, out of its order, House bill No. 58, by the following vote:

#### Yeas—25.

Adams.	Peeler.
Alexander.	Perkins.
Brachfield.	Real.
Bryan.	Stokes.
Cofer.	Sturgeon.
Greer.	Terrell of Bowie.
Hayter.	Terrell of
Hudspeth.	McLennan.
Kellie.	Thomas.
Masterson.	Veale.
Mayfield.	Watson.
Murray.	Weinert.
Paulus.	Willacy.

#### Nays—2.

Senter.	Ward.
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#### Absent.

Harper.	Hume.
Holsey.	Meachum.

The Chair laid before the Senate, on second reading,

House bill No. 58, A bill to be entitled "An Act to amend Article 1050, and to repeal Article 1051, Chapter 23, Title 27, of the Revised Statutes of the State of Texas."

The committee report, which provided that the bill be not printed, was adopted.

The bill was read second time, and passed to a third reading.

### SENATE BILL NO. 146.

The Chair laid before the Senate, on second reading and unfinished business,

Senate bill No. 146, A bill to be entitled "An Act to establish and create in each of the cities of this State having a population of 25,000 inhabitants, a State court, to be known as the corporation court in such city, and to prescribe the jurisdiction and organization thereof, and providing for the custody and care of prisoners doing punishment under judgments from said court."

The bill was read, and

Senator Senter offered the following amendment, which was read and adopted:

Amend the caption of the bill by adding at the end thereof the words: "And declaring an emergency."

Senator Brachfield offered the following amendment, which was read and adopted:

Amend the caption of the bill, line 7, page 1, by substituting for the words "having a population of 25,000 inhabitants," the following words: "Holding and acting under special charter granted by the Legislature of Texas."

And amend the caption at the end thereof by adding the following: "And providing for the acceptance and adoption of the provisions of this act by the board of commissioners or city council of any such city."

BRACHFIELD,  
COFER.

Senator Brachfield offered the following amendment, which was read and adopted:

Amend the bill, lines 14, 15 and 16, Section 1, page 1, by striking out the following words: "Having a population of not less than 25,000 inhabitants, as shown by the next preceding Federal census, whether incorporated by general or special act," and inserting in lieu thereof the following words: "Holding and acting under a special charter granted by the Legislature of Texas."

BRACHFIELD,  
COFER.

Bill read second time, and ordered engrossed.

On motion of Senator Senter, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

#### Yeas—25.

Adams.	Hayter.
Alexander.	Holsey.
Brachfield.	Hudspeth.
Bryan.	Kellie.
Cofer.	Masterson.
Greer.	Mayfield.

Murray.	Terrell of McLennan.
Paulus.	Thomas.
Perkins.	Veale.
Real.	Ward.
Senter.	Weinert.
Stokes.	Willacy.
Terrell of Bowie.	

Nays—2.

Sturgeon.	Watson.
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Absent.

Harper.	Meachum.
Hume.	Peeler.

The bill was read third time, and passed by the following vote:

Yeas—24.

Adams.	Paulus.
Alexander.	Peeler.
Brachfield.	Perkins.
Bryan.	Real.
Cofer.	Senter.
Hayter.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Hudspeth.	Thomas.
Kellie.	Veale.
Masterson.	Ward.
Mayfield.	Weinert.
Murray.	Willacy.

Nays—5.

Greer.	Sturgeon.
Hume.	Watson.
Stokes.	

Absent.

Harper.	Meachum.
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Senator Senter moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

#### HOUSE BILL NO. 276.

The Chair laid before the Senate, on third reading and under the rules of the Senate providing for considering House bills on this day, Thursday, of each week,

House bill No. 276. A bill to be entitled "An Act to amend Subdivision 23, Article 5049, Chapter 1, Title 104 of the Revised Statutes of Texas, regulating the general occupation tax as amended by act of the Twenty-fifth Legislature, said amendment being Chapter 18 of the Acts of the Special Session of the Twenty-fifth Legislature, convened at the city of Austin, May 22, 1897, and adjourned June 20, 1897, being shown

at page 49 of the General Laws of said Special Session."

The bill was read third time, and Senator Ward offered the following amendment:

Amend bill by striking out in line 31, page 1, "\$225," and insert "\$400."

Senator Ward, after discussion, moved that further consideration of the bill be postponed until Monday morning at the conclusion of the morning call.

Senator Perkins moved the previous question on the motion, which being duly seconded, was so ordered.

The motion to postpone was lost.

Senator Terrell of Bowie then moved the previous question on the pending amendment, which being duly seconded was so ordered.

The amendment was lost by the following vote:

Yeas—5.

Brachfield.	Ward.
Holsey.	Willacy.
Veale.	

Yeas—23.

Adams.	Peeler.
Alexander.	Perkins.
Cofer.	Real.
Greer.	Senter.
Hayter.	Stokes.
Hudspeth.	Sturgeon.
Hume.	Terrell of Bowie.
Kellie.	Terrell of McLennan.
Masterson.	Thomas.
Mayfield.	Watson.
Murray.	Weinert.
Paulus.	

Absent.

Bryan.	Meachum.
Harper.	

Senator Brachfield offered the following amendment:

Amend the bill by striking out "\$150," in line 4, page 2, and inserting in lieu thereof "\$100."

The amendment was read and lost by the following vote, it requiring a two-thirds vote:

Yeas—7.

Brachfield.	Terrell of Bowie.
Murray.	Veale.
Real.	Watson.
Senter.	

Nays—20.

Adams.	Hudspeth.
Alexander.	Hume.
Cofer.	Kellie.
Greer.	Masterson.
Hayter.	Mayfield.
Holsey.	Paulus.

Peeler.	Terrell of McLennan.
Perkins.	Thomas.
Stokes.	Ward.
Sturgeon.	Weinert.

Absent.

Bryan.	Meachum.
Harper.	Willacy.

Senator Terrell of Bowie moved the previous question on the final passage of the bill, which motion was duly seconded, and was so ordered.

The bill was read third time, and passed.

Senator Perkins moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

#### SIMPLE RESOLUTION.

By Senator Terrell of Bowie:

Be it resolved by the Senate, That the President of the Senate appoint a committee of three Senators to confer and co-operate with a similar committee heretofore appointed by the House, for the purpose of making all necessary arrangements for the contemplated trip of the Legislature and its employes to Galveston."

The resolution was read and adopted.

The Chair, in accordance with the above resolution, appointed the following committee:

Senators Terrell of Bowie, Murray and Weinert.

#### HOUSE BILL NO. 68.

The Chair, under the rule for consideration of House bills, and on motion of Senator Hayter, laid before the Senate, on second reading,

House bill No. 68, A bill to be entitled "An Act to levy an occupation tax on all retail dealers in non-intoxicating malt liquors, and providing for the issuance of licenses, and fixing penalties for the violation of this act, and providing for injunction to prevent its violation, and declaring an emergency."

Bill read second time, and passed to a third reading.

On motion of Senator Brachfield, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—26.

Adams.	Brachfield.
Alexander.	Cofer.

Greer.	Stokes.
Hayter.	Sturgeon.
Holsey.	Terrell of Bowie.
Hudspeth.	Terrell of
Masterson.	McLennan.
Mayfield.	Thomas.
Murray.	Veale.
Paulus.	Ward.
Peeler.	Watson.
Perkins.	Weinert.
Real.	Willacy.
Senter.	

Nays—2.

Hume.	Kellie.
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Absent.

Bryan.	Meachum.
Harper.	

The bill was read third time, and passed by the following vote:

Yeas—27.

Adams.	Perkins.
Alexander.	Real.
Brachfield.	Senter.
Bryan.	Stokes.
Cofer.	Sturgeon.
Greer.	Terrell of Bowie.
Hayter.	Terrell of McLennan.
Holsey.	Thomas.
Hudspeth.	Veale.
Masterson.	Ward.
Mayfield.	Watson.
Murray.	Weinert.
Paulus.	Willacy.
Peeler.	

Nays—2.

Hume.	Kellie.
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Absent.

Harper.	Meachum.
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Senator Brachfield moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

#### SENATE BILL NO. 35 — HOUSE AMENDMENTS CONCURRED IN.

Senator Hudspeth here called up

Senate bill No. 35, A bill to be entitled "An Act to exempt the county of Val Verde from the provisions and operations of Articles 5002 to 5042, inclusive, of Chapter 6, Title 102, of the Revised Civil Statutes of 1895, amended by the Acts of the Twenty-eighth and Twenty-ninth Legislatures, relating to the inspection of hides and animals, and re-

pealing all laws in conflict therewith, and declaring an emergency,"

And moved that the Senate concur in the following House amendment:

Amend by inserting the county of Kaufman among the counties exempted.

Amend caption by inserting the county of Kaufman.

The motion to concur prevailed by the following vote:

Yeas—27.

Adams.	Peeler.
Alexander.	Perkins.
Brachfield.	Real.
Cofer.	Senter.
Greer.	Sturgeon.
Hayter.	Terrell of Bowie.
Holsey.	Terrell of McLennon.
Hudspeth.	Thomas.
Hume.	Veale.
Kellie.	Ward.
Masterson.	Watson.
Mayfield.	Weinert.
Murray.	Willacy.
Paulus.	

Absent.

Bryan.	Meachum.
Harper.	Stokes.

Senator Hudspeth moved to reconsider the vote by which the amendments were concurred in, and lay that motion on the table.

The motion to table prevailed.

#### HOUSE BILL NO. 152.

On motion of Senator Watson, under the rules, the Chair laid before the Senate, on second reading,

House bill No. 152, A bill to be entitled "An Act appropriating the sum necessary to refund the unearned portion of the State occupation tax paid upon all liquor dealers' licenses which were unexpired on July 12, 1907, and which were abrogated on that date by the taking effect of Chapter 138 of the General Laws of the Thirtieth Legislature, known as the Baskin-McGregor law, and declaring an emergency."

The bill was read second time, and

Senator Watson offered the following amendment, which was read and adopted:

Amend by adding to Section 2 the following:

"Provided, that if any licenses which were unexpired on July 12, 1907, and mentioned in this act, shall have been sold or assigned, then the vendee or assignee of such license shall have the right to receive and collect all sums of

money authorized by this act to be paid to the person or persons to whom such license or licenses were issued, and it shall be the duty of the Comptroller to draw his warrant in favor of such vendee or assignee for the unearned portion due and payable under such license or licenses upon the proof required by the provisions of this act as in other cases, and also upon the filing with the Comptroller the original license so sold or assigned and duly canceled."

WATSON,  
WILLACY.

Senator Murray offered the following amendment, which was read and adopted:

Amend the bill by adding at end of Section 1 the following: "Provided, said sum shall be paid out of the funds to which said sum was credited."

Bill read second time, and passed to a third reading.

On motion of Senator Watson, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—28.

Adams.	Paulus.
Alexander.	Peeler.
Brachfield.	Perkins.
Bryan.	Real.
Cofer.	Senter.
Greer.	Stokes.
Hayter.	Sturgeon.
Holsey.	Terrell of McLennon.
Hudspeth.	Thomas.
Hume.	Veale.
Kellie.	Ward.
Masterson.	Watson.
Mayfield.	Weinert.
Murray.	Willacy.

Absent.

Harper.	Terrell of Bowie.
Meachum.	

The bill was read third time, and passed by the following vote:

Yeas—28.

Adams.	Kellie.
Alexander.	Masterson.
Brachfield.	Mayfield.
Bryan.	Murray.
Cofer.	Paulus.
Greer.	Peeler.
Hayter.	Perkins.
Holsey.	Real.
Hudspeth.	Senter.
Hume.	Stokes.

Sturgeon.                      Ward.  
Terrell of                      Watson.  
                    McLennan. Weinert.  
Thomas.                      Willacy.  
Veale.

Absent.

Harper.                      Terrell of Bowie.  
Meachum.

Senator Watson moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

#### FIRST HOUSE MESSAGE.

Hall of the House of Representatives,  
Austin, Texas, February 18, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

House bill No. 260, A bill to be entitled "An Act to amend Sections 114 and 120, Chapter 177 of the Acts of the Thirtieth Legislature of 1907, relating to elections, manner of holding, and providing for the election of district chairman and executive committee of the various districts, and repealing all laws in conflict herewith."

House bill No. 232, A bill to be entitled "An Act to prohibit the giving or delivery of any spirituous, vinous or intoxicating liquors to any person under the age of twenty-one years, whether consigned to such person or other person, without the written consent of the parent or guardian of such minor, and to prohibit the causing of or being instrumental in any such gift or delivery, and to prohibit the agents of any express company or common carrier from making such gift or delivery or causing the same to be done, or being interested therein, and providing penalties therefor."

House bill No. 229, A bill to be entitled "An Act to levy a tax of five hundred dollars (\$500) upon the occupation of selling cannon crackers or torpedoes, and permitting counties, cities and towns to levy an additional tax of one-half of the amount herein levied; defining the term 'cannon crackers,' and providing that nothing herein shall be construed to prohibit the sale of, or place a tax on the sale of cartridges, combustible packages of explosives, commonly used for firearms or artillery, mining, excavating earth or stone, scientific purposes, or for any public or private work, and declaring an emergency."

House bill No. 227, A bill to be entitled "An Act to amend Articles 4993, 4994 and 4995, on page 997, Revised Civil Statutes of 1895, relating to the mode of preventing certain animals from running at large in counties and subdivisions," with engrossed rider.

House bill No. 204, A bill to be entitled "An Act to amend Article 4978, Chapter 5, Title 102, of the Revised Civil Statutes of Texas, 1895, relative to the mode of preventing certain animals from running at large in counties and subdivisions."

House bill No. 12, A bill to be entitled "An Act to create the county court of Bexar county for civil cases, and to conform to such change the jurisdiction of the county court of Bexar county."

House bill No. 289, A bill to be entitled "An Act to protect the wild fox in the county of Montgomery, State of Texas, from being trapped, killed or hunted in any other manner than with hounds or dogs and to prevent the shooting or trapping of the same, and providing a penalty for the violation of said act, and declaring an emergency."

House bill No. 304, A bill to be entitled "An Act to create a road commission for Jones county by making the members of the commissioners court ex-officio members of said commission and defining duties, powers, salaries and qualifications of the same, and providing that said salaries shall be paid out of certain funds and fixing a penalty for failure of any of said road commissioners to comply with any of the provisions of this act; and defining the duties, powers, salary and qualifications of all overseers of said county and fixing a penalty for the failure to comply therewith; and imposing certain duties upon the following officers, to-wit, treasurer, collector and county judge, and fixing a penalty for the failure to comply therewith; and defining the powers and duties of the commissioners court, and fixing a penalty for non-compliance therewith; and providing that certain convicts may be worked upon the public roads, and prescribing the manner, conditions and credits to be allowed said convicts for each day's work; and defining the duties of all persons liable to road duty, and fixing a penalty for failure to comply therewith; and further providing that upon certain contingencies each road commissioner may appoint one deputy, and defining his powers, duties, qualifications and salary; and fixing a penalty for failure to

comply therewith; providing for the laying out, opening, working and grading of public roads in Jones county, and for the letting, building and repairing of all bridges in said county; and providing how contracts may be let for building bridges, grading roads and opening roads, and creating a certain fund out of which to pay for such work; and providing that commissioners' districts shall be laid off into a convenient number of road districts, and prescribing the manner of laying off same; and further providing that all roads may be dragged at a certain time, and prescribing the manner of such dragging, and fixing a penalty for persons driving upon said road at certain times after such dragging; and providing the manner of raising a road tax for road purposes in Jones county; and fixing a penalty relative to driving across bridges, destroying property pertaining to public roads, for obstructing public roads, bridges or causeways, or diverting water from its proper channel, and for leaving dead animals in public road or within certain distances of said road, and further providing that this act shall be notice to all courts in this State, and that it shall be cumulative of the General Laws of Texas upon the question of public roads, and when in conflict with any of the provisions of said general laws, this act shall control as to the county of Jones, and provides a penalty for all violations of this act, and declaring an emergency."

House bill No. 357, A bill to be entitled "An Act to amend an act of the Twenty-eighth Legislature of the State of Texas, entitled 'An Act to incorporate the city of Corsicana, in Navarro county, Texas, and to fix the boundaries thereof, and to provide for its government and the management of its affairs,' and amended by Chapter 39 of the Special Laws of the Thirtieth Legislature of the State of Texas, by amending Sections 5, 24, 25, 27, 34, 35, 36, 37, 40, 41, 42, 44, 45, 48, 113, 116, 124, 135, 147, 172, 181, 182, 185, 230 and 240, and by repealing Sections 26, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292 and 293 thereof, so as to abolish the board of commissioners therein provided for and confer upon the city council of said city all the powers, rights and authority therein conferred upon said board of commissioners," with engrossed rider.

House bill No. 90, A bill to be entitled "An Act to prohibit the buying and selling of pools or receiving or making

bets on horse racing; to prohibit the leasing of premises for pool rooms and to provide a penalty for its violation and to repeal the Act approved May 2, 1905, and published and known as Chapter 165 of the laws of the Regular Session of the Twenty-ninth Legislature, entitled 'An Act to amend Sections 1, 2 and 3, and adding thereto Sections 4 and 5 of Chapter 50 of the General Laws of Texas, passed at the Regular Session of the Twenty-eighth Legislature, entitled "An Act to prohibit the buying and selling of pools or receiving or making bets on horse racing; to prohibit leasing premises for pool rooms, and to provide a penalty for its violation," prohibiting horse racing on Sunday and betting on horse racing on Sunday,' and declaring an emergency."

House bill No. 77, A bill to be entitled "An Act to amend Section 2 of Chapter 78 of the General Laws of the Regular Session of the Thirtieth Legislature, relating to the taking of fish, the purpose of the amendment being to include Collin county in the exemption of said section," with engrossed rider.

House bill No. 315, A bill to be entitled "An Act to fix the time of holding courts in the Forty-sixth Judicial District, and to repeal all laws in conflict therewith."

House bill No. 237, A bill to be entitled "An Act to amend Chapter 4953, Chapter 3, Title 102, by putting Clay county in the list of counties exempted from the provisions of Articles 4948, 4949, 4950, 4951 and 4952 of Chapter 3, Title 102, relating to the sale, slaughter and shipment of animals, and declaring an emergency."

House bill No. 242, A bill to be entitled "An Act to repeal Chapter 91, page 732 of the Special Laws of the Thirtieth Legislature, entitled 'An Act to require all persons in the county of Camp, who are subject to road duty, to work ten days on the public roads in said county in each year, or to pay \$1.00 for each day in lieu of working the public roads, that such roads are worked'; also to amend Section 8 of Chapter 100, page 755 of the Special Laws of the Thirtieth Legislature entitled 'An Act to create a more efficient road system for Camp county, Texas; to make the county commissioners thereof ex-officio road commissioners and prescribe their duties, and providing for their compensation as such; to provide for working of county convicts upon the public roads of said county; to provide for the amount of compensation in road hands for team and road work; to provide for condemnation of



land for public road purposes; providing for working delinquent poll taxpayers on the public roads and relieving of road hands from the performance of road work by the payment of the sum of \$5.00; and providing for the levy and collection by the commissioners court of said county the regular 15 cents on the \$100 valuation now authorized by law for road and bridge purposes; also for the levy of an additional tax of 15 cents on each \$100 valuation for road purposes, and also for issuing of bonds not to exceed 15 cents on each \$100 valuation in any one year, and sale of such bonds for road purposes to provide for an election by the qualified voters of said county to determine as to the levy of the extra 15 cents on the \$100 valuation, and also on the question of the issuing of bonds, making this law cumulative of the general laws on this subject, and declaring an emergency,' by reducing the number of days persons may be compelled to work on the public roads from ten days to five days, and declaring an emergency."

House bill No. 283, A bill to be entitled "An Act to create a more efficient road system for Lampasas county, Texas, and making the commissioners of said county ex-officio road commissioners in their respective precincts; defining the powers and duties of the commissioners court with reference to roads and bridges; providing for the appointment of road overseers, and defining their duties and providing for and fixing their compensation for certain labor; providing penalties for the violation of this act, giving persons subject to road duty in Lampasas county and persons summoned to work on the public roads of said county the right to be relieved from the discharge of such duty upon the payment of specific sums of money herein stipulated, and providing for the accounting and disposition to be made of the money so paid; providing that delinquent poll taxpayers shall be subject to three days' road duty; requiring the tax collector of Lampasas county to furnish to the commissioners court a list of all persons who fail to pay their poll tax; providing for the working of county convicts on the public roads of said county; providing for the compensation of road commissioners; providing for an election to be held in said county by the qualified taxpaying voters of said county on petition, to determine whether or not an additional ad valorem tax for road and bridge purposes shall be levied

and collected in said county; also giving the commissioners court the power to establish, change, improve or discontinue public roads with or without petition and notice; and providing that this act shall control in Lampasas county in cases wherein it differs or is in conflict with the general laws on the subject of roads, and making this act cumulative, and declaring an emergency."

House bill No. 323, A bill to be entitled "An Act to repeal Chapter 31 of the Local and Special Laws of the Thirtieth Legislature of Texas, creating a special road system for Williamson county, Texas, and approved March 20, 1907, and to create a more efficient road system for Williamson county, Texas, and making county commissioners ex-officio road commissioners, and prescribing their powers and duties as such, and providing for the compensation of such road commissioners; and providing for the condemnation of material for the construction and maintenance of public roads, and to provide for the compensation for such material; and providing for the working of county convicts on the public roads, and the purchase of supplies for convicts, and rewards for the capture of escaped county convicts, and for commutation of sentence for faithful service and good behavior; and providing that every person liable for road duty shall pay a \$4.00 road tax, exempting such person from road duty from such year for which said taxes were paid; and providing for the summoning and working of all parties liable for road duty on the public roads who have not paid such road tax, and permitting substitution and payment of money in lieu of such service, and fixing allowance of time for service of hands and teams on such public road; and fixing penalties for violation of same; and providing further, making this act cumulative of the general laws now in force, and repealing all laws in conflict with this act, and declaring an emergency."

Senate bill No. 189, A bill to be entitled "An Act to create the county court of Tarrant county for civil cases, to fix and prescribe the jurisdiction thereof, and to conform to such change the jurisdiction of the county court of Tarrant county, fixing the salaries of the judges of the county court of Tarrant county and of the county court of Tarrant county for civil cases, providing for the appointment and election of the judges of said court hereby created, providing for the appointment of special judges and filling of said vacancies in said

offices and declaring an emergency," with amendments.

House bill No. 321, A bill to be entitled "An Act to create a more efficient road system for Polk county, Texas, making the county commissioners of said county ex-officio road commissioners, and prescribing their duties as such, and providing for the appointment of road overseers and defining their duties; and providing for the working of county convicts upon the public roads, and providing for officers' fees and rewards for the capture of escaped convicts, when the same are worked on public roads; and providing for the summoning of teams for road work, and for allowances of time for same; providing for penalties for violation of this act as to Polk county; authorizing the commissioners court to create the office of county superintendent of public roads and bridges for said Polk county, Texas; providing for his appointment, defining his duties, providing for his compensation, and prescribing bond to be given by such officer; providing that delinquent poll taxpayers shall be subject to three days' road duty; providing for the condemnation of any land needed for the widening, straightening, changing or draining of roads; providing for the taking of timber, gravel, earth, stone or any other material necessary in road work, and giving persons subject to road duty the right to be relieved from discharge of such duty on payment of specific sums of money herein stipulated; and to authorize and empower the said county of Polk to issue bonds for the construction and maintenance of public roads, bridges and highways within said county of Polk; and to provide for a tax to create a sinking fund to pay same, and declaring an emergency," with engrossed rider.

House bill No. 186, A bill to be entitled "An Act to amend the charter of the city of Galveston by adding thereto a new section, to be numbered 69a, authorizing the issuance of bonds for grading, raising and filling to grade certain streets, sidewalks, alleys, lots, and blocks in said city, and declaring an emergency."

House bill No. 252, A bill to be entitled "An Act to amend Chapter 5 of the Special Laws of the State of Texas passed by the Twenty-ninth Legislature, entitled 'An Act to create a more efficient road system for Kaufman county, Texas, and making the county commissioners of said county ex-officio road commissioners, and prescribing their du-

ties as such, and providing for their compensation as such road commissioners; and providing for the working of county convicts upon the public roads of said county; and providing for the amount of compensation in road time, to be allowed by overseers to road hands for teams and road work; and providing for the condemnation of land for public road purposes, and relieving road hands from the performance of road work by the payment of the sum of \$3; and providing for elections for issuance of bonds for public road and bridge purposes; and providing for the issuance and sale of such bonds by the commissioners court of said county; and providing further, making this law cumulative of the General Laws, and in case of conflict this act to govern as to Kaufman county, Texas; and fixing a penalty for the violation of this act, and repealing all laws in conflict with this act; and declaring an emergency,' by adding thereto Section 20a, providing a penalty for a failure to pay poll tax in Kaufman county, Texas, providing a method of collecting same, and declaring an emergency."

House bill No. 258, A bill to be entitled "An Act to amend Section 53 of Chapter 51 of the General Laws of the Twenty-third Legislature, entitled 'An Act to create a more efficient road system in the counties of Cherokee, Houston, Anderson, Trinity, Franklin, Delta, Harrison, Panola, Upshur, Shelby and Smith and auxiliary thereto; to provide for the appointment of road overseers; to define the powers and jurisdiction of the commissioners courts of said counties with regard thereto; to utilize the labor of defaulting poll taxpayers on the public roads of said counties, and to provide adequate penalties for the violation of the provisions of this act,' approved April 19, 1893, as amended by Chapter 131 of the General Laws of the Twenty-fourth Legislature, entitled 'An Act to amend Chapter 51, Sections 1, 2, 33, 53 and 54 of the Acts of the Twenty-third Legislature, entitled 'An Act to create a more efficient road system in the counties of Cherokee, Houston, Anderson, Trinity, Franklin, Delta, Harrison, Panola, Upshur, Shelby, Smith and Rusk and auxiliary thereto.'" etc., by reducing the number of days persons may be compelled to work on the public roads in Upshur county from ten days to five days in each year, and declaring an emergency."

House bill No. 316, A bill to be entitled

"An Act to restore the civil jurisdiction of the county court of Henderson county, and to repeal so much as applies to Henderson county of the act approved February 25, 1881, entitled 'An Act to diminish the civil and criminal jurisdiction of the county court of Henderson, Parker, Lampasas, Blanco, Bexar, Kimble, Nueces, Gillespie, Kendall, Uvalde, Wheeler, Oldham, Bandera, Wharton, McMullen, Medina, Frio, Dimmit, La Salle, Hidalgo, Starr, Zapata, Duval and Burnet counties, and to conform the jurisdiction of the district and justice courts of said counties to such change'; to provide further transfer of certain causes now pending; to define the jurisdiction of said county court, and declaring an emergency."

House bill No. 356, A bill to be entitled "An Act to amend Section 193 of an act of the Twenty-eighth Legislature of the State of Texas, entitled 'An Act to incorporate the city of Corsicana, in Navarro county, Texas, and to fix the boundaries thereof, and to provide for its government and the management of its affairs,' and amended by Chapter 39 of the Special Laws of the Thirtieth Legislature of the State of Texas, so as to correct certain errors in the field notes describing the saloon limits in said city, defined in said Section 193, and declaring an emergency."

Senate bill No. 70, A bill to be entitled "An Act to create an independent school district at the Agricultural and Mechanical College in Brazos county; to provide for the appointment of trustees therefor, and to provide for the government and support of said school district."

Senate bill No. 13, A bill to be entitled "An Act declaring void the sale or transfer of portions of stocks of merchandise otherwise than in the ordinary course of trade in the usual and regular prosecution of the seller's or transferer's business, and sales or transfers of entire stocks of merchandise in bulk, unless made in compliance with certain named conditions and regulations, and prescribing such conditions and regulations according to which such sales may be made valid, and declaring an emergency," with amendments.

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

#### BILLS READ AND REFERRED.

The Chair (Lieutenant Governor Davidson) had referred, after their cap-

tions had been read, the following House bills (see above House message for captions of):

House bill No. 356 referred to Committee on Towns and City Corporations.

House bill No. 229 referred to Judiciary Committee No. 2.

House bill No. 258 referred to Committee on Roads, Bridges and Ferries.

House bill No. 232 referred to Judiciary Committee No. 2.

House bill No. 283 referred to Committee on Roads, Bridges and Ferries.

House bill No. 260 referred to Committee on Privileges and Elections.

House bill No. 316 referred to Committee on Judicial Districts.

House bill No. 315 referred to Committee on Judicial Districts.

House bill No. 77 referred to Judiciary Committee No. 1.

House bill No. 304 referred to Committee on Roads, Bridges and Ferries.

House bill No. 289 referred to Judiciary Committee No. 2.

House bill No. 323 referred to Committee on Roads, Bridges and Ferries.

House bill No. 252 referred to Committee on Roads, Bridges and Ferries.

House bill No. 204 referred to Committee on Stock and Stock Raising.

House bill No. 227 referred to Committee on Stock and Stock Raising.

House bill No. 242 referred to Committee on Roads, Bridges and Ferries.

House bill No. 90 referred to Judiciary Committee No. 2.

House bill No. 357 referred to Committee on Towns and City Corporations.

House bill No. 237 referred to Committee on Stock and Stock Raising.

House bill No. 186 referred to Committee on Towns and City Corporations.

House bill No. 12 referred to Committee on Judicial Districts.

House bill No. 321 referred to Committee on Roads, Bridges and Ferries.

#### HOUSE BILL NO. 69.

On motion of Senator Sturgeon, under the rule, the Chair laid before the Senate, on second reading,

House bill No. 69, A bill to be entitled "An Act to levy an annual occupation tax on the business of selling or offering for sale an intoxicating liquor by soliciting orders therefor in any quantities whatever in any county, justice precinct, town, city or other subdivision of a county where the sale of intoxicating liquors shall be prohibited therein, also levying an annual occupation tax for the keeping, maintaining or operating

of any 'cold storage' or any such place where intoxicating or non-intoxicating liquors or beverages are kept on deposit for others under any kind of bailment within the limits of any such local option territory, providing for the issuance of licenses and fixing the penalties for the violation of this act, and providing for injunction to prevent its violation, and declaring an emergency."

The committee report, with amendments, was adopted, on motion of Senator Sturgeon.

Bill read second time, and passed to third reading.

On motion of Senator Sturgeon, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—28.

Adams.	Paulus.
Alexander.	Peeler.
Brachfield.	Perkins.
Bryan.	Real.
Cofer.	Senter.
Greer.	Stokes.
Hayter.	Sturgeon.
Holsey.	Terrell of Bowie.
Hudspeth.	Thomas.
Hume.	Veale.
Kellie.	Ward.
Masterson.	Watson.
Mayfield.	Weinert.
Murray.	Willacy.

Absent.

Harper.	Terrell of McLennan.
Meachum.	

The bill was read third time, and passed by the following vote:

Yeas—27.

Adams.	Peeler.
Alexander.	Perkins.
Brachfield.	Real.
Bryan.	Senter.
Cofer.	Stokes.
Greer.	Sturgeon.
Hayter.	Terrell of Bowie.
Holsey.	Thomas.
Hudspeth.	Veale.
Hume.	Ward.
Masterson.	Watson.
Mayfield.	Weinert.
Murray.	Willacy.
Paulus.	

Absent.

Harper.	Meachum.
Kellie.	Terrell of McLennan.

Senator Sturgeon moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

#### SENATE BILL NO. 50.

Senator Stokes called up, which was on the President's table subject to call, Senate bill No. 50.

The Chair laid before the Senate, on third reading,

Senate bill No. 50, A bill to be entitled "An Act to provide for the location of and establishment and maintenance of a State sanatorium for the treatment of persons suffering from tuberculosis, and to provide for the care and treatment of indigent consumptives, and making an appropriation therefor."

Senator Stokes moved to rescind the vote by which the bill was ordered engrossed on February 9.

The motion prevailed, which placed the bill on second reading.

(Senator Willacy in the chair.)

Senator Stokes offered the following amendment, which was read and adopted:

Amend the bill, page 1, line 21, by striking out the word "ten" and inserting in lieu thereof the word "twenty."

Senator Stokes offered the following amendment, which was read and adopted:

Amend Senate bill No. 54, page 3, line 4, by adding after the figures 1909 the following: "And 1910 each."

Senator Stokes offered the following amendment, which was read and adopted:

Amend the bill, page 3, line 1, by adding after the word improvements the following: "And maintenance for the years 1909 and 1910."

Senator Stokes offered the following amendment, which was read and adopted:

Amend Senate bill No. 50 by adding thereto Section No. 21, to read as follows:

"Section 21. The fact that there is not now adequate provision for the protection of the public against infection from those suffering from tuberculosis creates an emergency and imperative public necessity for the suspension of the constitutional rule which requires that all bills shall be read on three several days, and said rule is hereby suspended, and this act shall be in force from and after its passage, and it is so enacted."

Senator Stokes offered the following amendment, which was read and adopted:

Amend line 14, page 2, by striking out "thirty-second," and insert "thirty-third."

STOKES.  
BRYAN.

(Lieutenant Governor Davidson in the chair.)

Senator Stokes offered the following amendment, which was read and adopted:

Amend the caption of Senate bill No. 50 by adding after the word therefor, in lines 10 and 11 the following: "And declaring an emergency."

Bill read second time, and ordered engrossed.

On motion of Senator Stokes, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—27.

Adams.	Paulus.
Alexander.	Peeler.
Brachfield.	Real.
Bryan.	Senter.
Cofer.	Stokes.
Greer.	Sturgeon.
Hayter.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Hudspeth.	Veale.
Hume.	Ward.
Kellie.	Watson.
Masterson.	Weinert.
Mayfield.	Willacy.
Murray.	

Absent.

Harper.	Perkins.
Meachum.	Thomas.

The bill was read third time, and Senator Terrell of Bowie offered the following amendment:

Amend Section 10 by adding thereto the following: "Provided, no money shall be expended for maintenance during the years 1910-1911 unless the Governor shall order the expenditure of same."

The amendment was read, and adopted by the following vote:

Yeas—26.

Adams.	Greer.
Alexander.	Hayter.
Brachfield.	Holsey.
Bryan.	Hudspeth.
Cofer.	Hume.

Masterson.  
Mayfield.  
Murray.  
Paulus.  
Peeler.  
Perkins.  
Real.  
Senter.

Stokes.  
Sturgeon.  
Terrell of Bowie.  
Terrell of McLennan.  
Ward.  
Watson.  
Weinert.  
Willacy.

Absent.

Harper.  
Kellie.  
Meachum.

Thomas.  
Veale.

The bill was then finally passed by the following vote:

Yeas—27.

Adams.	Paulus.
Alexander.	Peeler.
Brachfield.	Perkins.
Bryan.	Real.
Cofer.	Senter.
Greer.	Stokes.
Hayter.	Sturgeon.
Holsey.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Hume.	Ward.
Kellie.	Watson.
Masterson.	Weinert.
Mayfield.	Willacy.
Murray.	

Absent.

Harper.	Thomas.
Meachum.	Veale.

Senator Stokes moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

#### SPECIAL COMMITTEE REPORT.

(By unanimous consent.)

Senator Sturgeon, on part of the committee, offered the following special committee report:

Austin, Texas, February 18, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your committee appointed by the Senate to conduct an investigation of the charges made by Senator H. Bascom Thomas that there had been specific violations of the anti-lobby law on the floor of the Senate and in committee rooms; and, whereas, on February 17, 1909, said committee was instructed by the Senate to report back to the Senate on this day what procedure should be taken in said matter; we, therefore, beg leave to report:

That said committee investigate said charges, and that said investigation be conducted by said committee at such time or times as it will not interfere with the sessions of the Senate, allowing Senator H. Bascom Thomas and whatever counsel he may select to be present and participate in such investigation.

We further recommend that this Senate appoint a stenographer to take down all the testimony given in said investigation; and we further recommend that said committee have authority to convene and adjourn from time to time as in its judgment is expedient, and that said committee shall report its findings back to the Senate, as well as all testimony taken therein.

STURGEON,  
GREER,  
VEALE.

The report was read, and adopted by the following vote:

Yeas—28.

Adams.	Peeler.
Alexander.	Perkins.
Brachfield.	Real.
Bryan.	Senter.
Cofer.	Stokes.
Greer.	Sturgeon.
Hayter.	Terrell of Bowie.
Holsey.	Terrell of
Hudspeth.	McLennan.
Hume.	Thomas.
Kellie.	Ward.
Masterson.	Watson.
Mayfield.	Weinert.
Murray.	Willacy.
Paulus.	

Absent.

Harper. Veale.  
Meachum.

Here, in accordance with the above committee report,

Senator Brachfield moved that the Senate appoint Miss J. G. Nagle as the official stenographer for said investigation.

Senator Terrell of Bowie offered the following substitute for Senator Brachfield's motion:

Resolved by the Senate, That Miss Nagle be appointed as the stenographer to take down all the proceedings of the investigation of the anti-lobby violations charged by Senator Thomas, and that she only take down the proceedings of such investigation, and not speeches made by any one, unless on questions of procedure.

The substitute motion was adopted, and the motion, as substituted, was then adopted.

Senator Veale made the following motion:

The Senator from Potter moves that on account of his enforced absence from the Senate for the coming seven or eight days, that the President appoint some Senator to act in his stead on the investigation committee.

The above motion was adopted.

Senator Terrell of Bowie moved that Senator Brachfield be placed on the investigation committee to fill the vacancy above created.

The motion prevailed, and Senator Brachfield was so placed on the committee.

Senator Greer moved that the Senate appoint another stenographer for the taking of the evidence in the investigation.

The motion prevailed.

Senator Hayter moved that Mr. J. H. Wagner be selected as the stenographer provided for in the above motion by Senator Greer.

The motion prevailed.

#### RECESS.

Senator Alexander moved that the Senate recess until 3 o'clock today.

Senator Hudspeth moved, as a substitute, that the Senate adjourn until tomorrow morning at 10 o'clock.

Action being on the longest time first, the motion to adjourn until tomorrow morning was lost.

The motion to recess until 3 o'clock today was then adopted.

#### AFTER RECESS.

The Senate was called to order by President Pro Tem. Terrell.

#### HOUSE BILL NO. 48.

Senator Brachfield called up, under the rule, House bill No. 48.

The Chair laid before the Senate, on second reading,

House bill No. 48, A bill to be entitled "An Act to amend Sections 2, 7, 13, 28 and 29, and to repeal Sections 30, 31 and 32, and to substitute other laws in place of those repealed, and to add a caption to the Shelby county road law,

a special act of the Thirtieth Legislature of 1907."

The committee report, which provided that the bill be not printed, was adopted.

(Lieutenant Governor Davidson in the chair.)

Senator Brachfield offered the following amendment, which was read and adopted:

Amend Section 28 of the bill by adding after the words "ministerial duties," the following: "and all other persons exempted by the General Laws of Texas."

BRACHFIELD,  
HOLSEY.

Senator Brachfield offered the following amendment, which was read and adopted:

Amend the bill by striking out Section 29, and numbering the section to conform thereto.

Bill read second time, and passed to third reading.

On motion of Senator Brachfield, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—25.

Adams.	Peeler.
Alexander.	Perkins.
Brachfield.	Real.
Bryan.	Senter.
Cofer.	Stokes.
Greer.	Sturgeon.
Hayter.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Kellie.	Thomas.
Masterson.	Ward.
Mayfield.	Watson.
Murray.	Willacy.
Paulus.	

Absent.

Harper.	Meachum.
Hudspeth.	Veale.
Hume.	Weinert.

The bill was read third time, and passed by the following vote:

Yeas—26.

Adams.	Kellie.
Alexander.	Masterson.
Brachfield.	Mayfield.
Bryan.	Murray.
Cofer.	Paulus.
Greer.	Peeler.
Hayter.	Perkins.
Holsey.	Real.
Hudspeth.	Senter.

Stokes.	Thomas.
Sturgeon.	Ward.
Terrell of Bowie.	Watson.
Terrell of McLennan.	Willacy.

Absent.

Harper.	Veale.
Hume.	Weinert.
Meachum.	

Senator Brachfield moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

#### SENATE BILL NO. 189—HOUSE AMENDMENTS CONCURRED IN.

Senator Alexander called up

Senate bill No. 189, A bill to be entitled "An Act to create the county court of Tarrant county for civil cases, to fix and prescribe the jurisdiction thereof, and to conform to such change the jurisdiction of the county court of Tarrant county, fixing the salaries of the judges of the county court of Tarrant county and of the county court of Tarrant county for civil cases; providing for the appointment and election of the judges of said court hereby created; providing for the appointment of special judges and filling of said vacancies in said offices, and declaring an emergency."

And moved that the Senate concur in the following House amendments:

Amend the bill by adding to Section 6, immediately after the words "elected and qualified," in line 32 of page 5, at the end of said Section 6, the following words, to wit:

"Provided, that no person shall be eligible for judge of the county court of Tarrant county for civil cases unless he shall be a citizen of the United States and of this State, who shall have been a practicing lawyer of this State or a judge of a court in this State for four years next preceding his election, and who shall have resided in the county of Tarrant for two years next preceding his election."

The motion to concur prevailed by the following vote:

Yeas—26.

Adams.	Greer.
Alexander.	Hayter.
Brachfield.	Holsey.
Bryan.	Hudspeth.
Cofer.	Kellie.

Masterson.	Stokes.
Mayfield.	Sturgeon.
Murray.	Terrell of Bowie.
Paulus.	Terrell of McLennan.
Peeler.	Thomas.
Perkins.	Ward.
Real.	Watson.
Senter.	Willacy.

Absent.

Harper.	Veale.
Hume.	Weinert.
Meachum.	

Senator Alexander moved to reconsider the vote by which amendments were concurred in, and lay that motion on the table.

The motion to table prevailed.

(Senator Hudspeth in the chair.)

#### HOUSE BILL NO. 131.

On motion of Senator Sturgeon,  
The Chair laid before the Senate, on second reading,

House bill No. 131, A bill to be entitled "An Act regulating the holding of the district court in Fannin county."

Bill read second time, and passed to third reading.

On motion of Senator Sturgeon, the constitutional rule requiring bills to be read on three several days was suspended, and the bill was put on its third reading and final passage by the following vote:

Yeas—26.

Adams.	Paulus.
Alexander.	Peeler.
Brachfield.	Perkins.
Bryan.	Real.
Cofer.	Senter.
Greer.	Sturgeon.
Hayter.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Hudspeth.	Thomas.
Kellie.	Ward.
Masterson.	Watson.
Mayfield.	Weinert.
Meachum.	Willacy.

Absent.

Harper.	Stokes.
Hume.	Veale.
Murray.	

The bill was read third time, and passed by the following vote:

Yeas—27.

Adams.	Brachfield.
Alexander.	Bryan.

Cofer.	Real.
Greer.	Senter.
Hayter.	Stokes.
Holsey.	Sturgeon.
Hudspeth.	Terrell of Bowie.
Kellie.	Terrell of McLennan.
Masterson.	Thomas.
Mayfield.	Ward.
Meachum.	Watson.
Paulus.	Weinert.
Peeler.	Willacy.
Perkins.	

Absent.

Harper.	Murray.
Hume.	Veale.

Senator Sturgeon moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

#### SUBSTITUTE SENATE BILL NO. 106.

On motion of Senator Cofer, the pending order of business (Senate bill No. 156) was suspended, and the Senate took up, out of its order, Senate bill No. 106 by the following vote:

Yeas—24.

Adams.	Perkins.
Alexander.	Real.
Bryan.	Senter.
Cofer.	Stokes.
Hayter.	Terrell of Bowie.
Holsey.	Terrell of
Hudspeth.	McLennan.
Kellie.	Thomas.
Masterson.	Ward.
Mayfield.	Watson.
Meachum.	Weinert.
Paulus.	Willacy.
Peeler.	

Nays—3.

Brachfield.	Sturgeon.
Greer.	

Absent.

Harper.	Murray.
Hume.	Veale.

The Chair laid before the Senate, on second reading,

Senate bill No. 106, A bill to be entitled "An Act to reorganize the Fifteenth and Fifty-ninth Judicial Districts of Texas; to create the Sixty-ninth Judicial District of Texas; to name the counties composing each of said districts; to prescribe the time of holding the terms of the district court for each of said districts; to change the criminal jurisdic-



tion of the county court of Grayson county by taking away such jurisdiction from said county court, and conferring the same on the district court of the Sixty-ninth Judicial District; to provide for the extension and return of process issued out of said court, empowering the judge of the Sixty-ninth Judicial District to empanel the grand jury for Grayson county, and giving authority to the judge of either the Fifteenth or the Sixty-ninth Judicial District for Grayson county to transfer cases from their respective courts to the other of said courts; to validate all writs, process and bonds, civil and criminal, issued or executed up to the time this act takes effect by or from the district courts from the several counties named in this act, and by or from the county court of Grayson county; to provide for the transfer of all cases on the docket of the Fifty-ninth Judicial District for Grayson county in the Sixty-ninth Judicial District, and to provide for the appointment of a district judge for the Sixty-ninth Judicial District of Texas; providing for the present judges of the Fifteenth and Fifty-ninth Judicial Districts to continue to hold their offices for the term for which they were elected, and providing an emergency."

The committee report recommended a substitute bill, and

Senator Cofer moved to adopt the committee report.

Pending discussion,

Senator Brachfield moved that the bill be laid on the table subject to call.

The motion prevailed.

#### SENATE BILL NO. 32.

On motion of Senator Peeler, the regular order of business (Senate bill No. 156) was suspended, and the Senate took up, out of its order, Senate bill No. 32 by the following vote:

Yeas—28.

Adams.	Meachum.
Alexander.	Murray.
Brachfield.	Paulus.
Bryan.	Peeler.
Cofer.	Perkins.
Greer.	Real.
Hayter.	Senter.
Holsey.	Stokes.
Hudspeth.	Sturgeon.
Kellie.	Terrell of Bowie.
Masterson.	Terrell of McLennan.
Mayfield.	Thomas.

Ward.  
Watson.

Weinert.  
Willacy.

Absent.

Harper.  
Hume.

Veale.

The Chair laid before the Senate, on second reading,

Senate bill No. 32, A bill to be entitled "An Act to amend Section 31 of Chapter 104 of the Acts passed by the Twenty-ninth Legislature, entitled 'An Act to define and provide for organizing and disciplining the militia; to prescribe the duties of the Governor, the Adjutant General and all officers and enlisted men thereof; to define military offenses; to provide for the trial and punishment thereof; to provide for the pay, transportation and subsistence of the militia when called into active service, and to repeal all laws in conflict therewith, and declaring an emergency,' by increasing the Assistant Adjutant General's salary to \$1500 per year, and declaring an emergency."

Bill read second time, and ordered engrossed.

On motion of Senator Peeler, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—26.

Adams.  
Alexander.  
Bryan.  
Cofer.  
Greer.  
Hayter.  
Holsey.  
Hudspeth.  
Kellie.  
Mayfield.  
Meachum.  
Murray.  
Paulus.

Peeler.  
Perkins.  
Real.  
Senter.  
Stokes.  
Sturgeon.  
Terrell of Bowie.  
Terrell of McLennan.  
Thomas.  
Ward.  
Watson.  
Weinert.  
Willacy.

Nays—1.

Brachfield.

Absent.

Harper.  
Hume.

Masterson.  
Veale.

The bill was read third time, and passed by the following vote:

Yeas—25.

Adams.  
Alexander.

Bryan.  
Cofer.

Hayter.	Real.
Holsey.	Senter.
Hudspeth.	Stokes.
Kellie.	Terrell of Bowie.
Masterson.	Terrell of McLennan.
Mayfield.	Thomas.
Meachum.	Ward.
Murray.	Watson.
Paulus.	Weinert.
Peeler.	Willacy.
Perkins.	

Nays—3.

Brachfield.	Sturgeon.
Greer.	

Absent.

Harper.	Veale.
Hume.	

Senator Peeler moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

## SECOND HOUSE MESSAGE.

Hall of the House of Representatives,  
Austin, Texas, February 18, 1909.  
Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

Senate bill No. 62, A bill to be entitled "An Act making it a criminal offense for any person to send to another person an anonymous letter or writing reflecting upon the integrity, chastity, virtue, good character or reputation of any person, or wherein the life of any such person is threatened, and prescribing a penalty for the violation thereof, and declaring an emergency," with amendments.

Senate bill No. 129, A bill to be entitled "An Act for the relief of railway corporations having charters granted or amended since the first day of January, 1900, and which have failed or are about to fail to construct their roads and branches or any part thereof, within the time prescribed by law, and declaring an emergency," with amendments.

Senate bill No. 132, A bill to be entitled "An Act authorizing any county in the State of Texas having a population in excess of 50,000 inhabitants by the last preceding United States census, to submit to the qualified voters the propriety of a bond issue for the construction and maintenance of causeways, viaducts, bridges and approaches across any rivers within the limits of such county

and to provide for the construction, maintenance and use of such causeways, viaducts, bridges and approaches."

House bill No. 382, A bill to be entitled "An Act to amend Article 4 of Chapter 33, Special Laws of the Thirtieth Legislature, entitled 'An Act granting to Denison, Grayson county, Texas, a new charter of incorporation, repealing all laws and parts of laws in conflict herewith, and declaring an emergency'; regulating the issuance of bonds by said city, and declaring certain bonds heretofore issued by said city to be valid, and declaring an emergency."

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

## SENATE BILL NO. 82.

On motion of Senator Weinert, the special order of business (Senate bill No. 156) was suspended, and the Senate took up, out of its order, Senate bill No. 82 by the following vote:

Yeas—28.

Adams.	Paulus.
Alexander.	Peeler.
Brachfield.	Perkins.
Bryan.	Real.
Cofer.	Senter.
Greer.	Stokes.
Hayter.	Sturgeon.
Holsey.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Kellie.	Thomas.
Masterson.	Ward.
Mayfield.	Watson.
Meachum.	Weinert.
Murray.	Willacy.

Absent.

Harper.	Veale.
Hume.	

The Chair laid before the Senate, on second reading,

Senate bill No. 82, A bill to be entitled "An Act to amend Article 3151 of Chapter 2, Title 62 of the Revised Civil Statutes of the State of Texas of 1895."

The bill was read second time, and ordered engrossed.

## HOUSE BILL NO. 56.

On motion of Senator Real,  
The Chair laid before the Senate, on second reading,

House bill No. 56, A bill to be entitled "An Act to create a more efficient road system for Bexar county, in the State of Texas."

The committee report, which provided that the bill be not printed, was adopted.

Bill read second time, and passed to third reading.

On motion of Senator Real, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—28.

Adams.	Paulus.
Alexander.	Peeler.
Brachfield.	Perkins.
Bryan.	Real.
Cofer.	Senter.
Greer.	Stokes.
Hayter.	Sturgeon.
Holsey.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Kellie.	Thomas.
Masterson.	Ward.
Mayfield.	Watson.
Meachum.	Weinert.
Murray.	Willacy.

Absent.

Harper.	Veale.
Hume.	

The bill was read third time, and passed by the following vote:

Yeas—26.

Adams.	Paulus.
Alexander.	Peeler.
Brachfield.	Perkins.
Bryan.	Real.
Cofer.	Senter.
Greer.	Stokes.
Hayter.	Sturgeon.
Hudspeth.	Terrell of Bowie.
Kellie.	Terrell of McLennan.
Masterson.	Thomas.
Mayfield.	Ward.
Meachum.	Watson.
Murray.	Willacy.

Absent.

Harper.	Veale.
Holsey.	Weinert.
Hume.	

Senator Real moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

# HOUSE BILL NO. 154.

On motion of Senator Ward,

The Chair laid before the Senate, on second reading,

House bill No. 154, A bill to be entitled "An Act to amend Chapter 30 of the special road laws of Ellis county, Texas, as enacted by the Twenty-ninth Legislature, by adding thereto Section 18; prohibiting the obstruction of public road ditches, providing penalty, and declaring an emergency."

The committee report, which provided that the bill be not printed, was adopted.

Senator Ward offered the following amendment, which was read and adopted:

Amend Section 2, page 2, by adding thereto the following: "Provided, that any person or persons who own, control or superintend any land bordering or contiguous to any public road, may, upon written application to the commissioners court in and through which a public road is situated, be permitted to be drained into public road ditch on the drainway, and public road to be plowed for the purpose of destroying Johnson grass and Bermuda grass, providing the public road is not damaged and the road ditch obstructed."

Bill read second time, and passed to third reading.

On motion of Senator Ward, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—27.

Adams.	Peeler.
Alexander.	Perkins.
Brachfield.	Real.
Bryan.	Senter.
Greer.	Stokes.
Hayter.	Sturgeon.
Holsey.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Kellie.	Thomas.
Masterson.	Ward.
Mayfield.	Watson.
Meachum.	Weinert.
Murray.	Willacy.
Paulus.	

Absent.

Cofer.	Hume.
Harper.	Veale.

The bill was read third time, and passed by the following vote:

## Yeas—26.

Adams.	Paulus.
Alexander.	Peeler.
Brachfield.	Perkins.
Bryan.	Real.
Greer.	Senter.
Hayter.	Sturgeon.
Holsey.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Kellie.	Thomas.
Masterson.	Ward.
Mayfield.	Watson.
Meachum.	Weinert.
Murray.	Willacy.

## Nays—1.

Stokes.

## Absent.

Cofer.	Hume.
Harper.	Veale.

## SENATE BILL NO. 210.

On motion of Senator Terrell of McLennan, the special order of business (Senate bill No. 156) was suspended, and the Senate took up, out of its order, Senate bill No. 210 by the following vote:

## Yeas—26.

Adams.	Paulus.
Alexander.	Peeler.
Brachfield.	Perkins.
Bryan.	Senter.
Greer.	Stokes.
Hayter.	Sturgeon.
Holsey.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Kellie.	Thomas.
Masterson.	Ward.
Mayfield.	Watson.
Meachum.	Weinert.
Murray.	Willacy.

## Absent.

Cofer.	Real.
Harper.	Veale.
Hume.	

The Chair laid before the Senate, on second reading,

Senate bill No. 210, A bill to be entitled "An Act creating the Pate Independent School District in McLennan county, defining its boundaries, providing for a board of trustees thereof, and defining their powers and authority, and declaring an emergency."

The committee report, which provided that the bill be not printed, was adopted.

Bill read second time, and ordered engrossed.

On motion of Senator Terrell of McLennan, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

## Yeas—28.

Adams.	Peeler.
Alexander.	Perkins.
Brachfield.	Real.
Bryan.	Senter.
Greer.	Stokes.
Hayter.	Sturgeon.
Holsey.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Hume.	
Kellie.	Thomas.
Masterson.	Ward.
Mayfield.	Watson.
Meachum.	Weinert.
Murray.	Willacy.
Paulus.	

## Absent.

Harper.	Veale.
Cofer.	

The bill was read third time, and passed by the following vote:

## Yeas—27.

Adams.	Peeler.
Alexander.	Perkins.
Brachfield.	Real.
Bryan.	Senter.
Greer.	Stokes.
Hayter.	Sturgeon.
Hudspeth.	Terrell of Bowie.
Hume.	Terrell of McLennan.
Kellie.	Thomas.
Masterson.	Ward.
Mayfield.	Watson.
Meachum.	Weinert.
Murray.	Willacy.
Paulus.	

## Absent.

Cofer.	Holsey.
Harper.	Veale.

Senator Terrell of McLennan moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

## SENATE BILL NO. 154.

On motion of Senator Alexander, the special order of business (Senate bill

No. 156) was suspended, and the Senate took up, out of its order, Senate bill No. 154 by the following vote:

Yeas—29.

Adams.	Paulus.
Alexander.	Peeler.
Brachfield.	Perkins.
Bryan.	Real.
Cofer.	Senter.
Greer.	Stokes.
Hayter.	Sturgeon.
Holsey.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Hume.	Thomas.
Kellie.	Ward.
Masterson.	Watson.
Mayfield.	Weinert.
Meachum.	Willacy.
Murray.	

Absent.

Harper. Veale.

The Chair laid before the Senate, on second reading,

Senate bill No. 154, A bill to be entitled "An Act to amend Article 642 of the Revised Civil Statutes of Texas, as amended by Chapter 130, Acts of the Twenty-fifth Legislature, Chapter 43, Acts of the Twenty-sixth Legislature, Chapter 143, Acts of the Twenty-seventh Legislature, and Chapter 100, Acts of the Twenty-eighth Legislature, by amending Subdivision 61 thereof, and authorizing the formation of corporations for the construction and operation of interurban electric, gas or gasoline, denatured alcohol or naphtha motor railways, and declaring an emergency."

The bill was read second time, and Senator Alexander offered the following amendment, which was read and adopted:

Amend the bill by adding after the word "Legislature," in line 11, page 1, the following words: "Chapter 62, Acts of the Twenty-ninth Legislature; Chapter 150, Acts of Thirtieth Legislature,"

And amend the bill by striking out the word "Thirtieth," in line 20, page 1, and inserting the words "Twenty-eighth" in lieu thereof, and by inserting after the word "Legislature," in same line and page, the following words: "Chapter 62, Acts of the Twenty-ninth Legislature, Chapter 150, Acts of the Thirtieth Legislature."

Senator Alexander offered the following amendment, which was read and adopted:

Amend the bill by adding after the

word "State," in line 2, page 2, the words: "And shall have the same powers, rights and privileges as are now granted to interurban electric railway companies by Chapter 15, Acts of the Thirtieth Legislature."

Senator Senter offered the following amendment, which was read and adopted:

Amend the bill by adding a new Section, to be numbered 3, and to read as follows:

"Section 3, Subdivision 46 of Article 642 of the Revised Statutes of Texas, shall be and it is hereby amended so as to hereafter read as follows: (46) For the organization of fire, marine, life, health and accident, industrial life, bank deposit, trust fund, plate glass, hail, land title, credits, suretyship and live stock insurance companies; provided, that such bank deposit insurance companies, may be organized with a paid up capital stock of not less than five hundred thousand dollars (\$500,000), and that such industrial life, plate glass, hail and live stock insurance companies may be organized with a capital stock of not less than twenty-five thousand dollars; and provided further, that all insurance companies mentioned in this subdivision shall be in all other respects subject to and shall comply with all of the provisions of Title 58 of the Revised Statutes of Texas, and any and all laws supplementary to or amendatory thereof."

(Lieutenant Governor Davidson in the chair.)

#### SENATE JOINT RESOLUTION NO. 1.

Senator Brachfield here called up Senate Joint Resolution No. 1, which was on the table subject to call.

The Chair laid before the Senate, on second reading,

Senate Joint Resolution No. 1, being a resolution to amend Article 16 of the Constitution of the State of Texas by adding thereto Section 58, when a majority of the qualified electors for members of the Legislature of Texas, at an election for that purpose, shall vote in favor of the amendment.

The resolution was read, and Senator Brachfield offered the following amendment, which was read and adopted:

Amend by striking out all preceding the resolution clause, and insert in lieu thereof the following:

"Senate Joint Resolution, proposing that Article 16 of the Constitution of the State of Texas be amended by

striking out and repealing Section 20 thereof, and substituting in lieu of said Section 20 the following: 'Section 20. Except for medicinal and sacramental purposes, the manufacture, sale, gift, barter, exchange and intrastate shipment within this State of intoxicating liquors shall be prohibited; and the Legislature shall enact efficient laws carrying into effect the provisions of this section'; providing for submission of such proposed amendment to the qualified electors for members of the Legislature at an election to be held throughout this State on the first Tuesday in August, 1909, and prescribing the form of ballots to be used in such election; directing the Governor to issue and have published proclamation for such election; and making an appropriation to defray the expenses of such proclamation, publication and election."

Senator Brachfield offered the following amendment, which was read and adopted:

Amend by striking out all after the resolution clause and inserting in lieu thereof the following:

Section 1. That Article 16 of the Constitution of the State of Texas be amended by striking out and repealing Section 20 thereof, and substituting, in lieu of said Section 20, the following: Section 20. Except for medicinal and sacramental purposes, the manufacture, sale, gift, barter, exchange and intrastate shipment within this State of intoxicating liquors shall be prohibited; and the Legislature shall enact efficient laws carrying into effect the provisions of this Section.

Section. 2. The foregoing constitutional amendment shall be submitted to a vote of the qualified electors for members of the Legislature, at an election to be held throughout this State on the first Tuesday in August, 1909, at which election all voters favoring said proposed amendment shall have printed or written on their ballots the words: "For the amendment to Article 16 of the Constitution of the State of Texas, providing for State-wide prohibition," and all voters opposed to said proposed amendment shall have printed or written on their ballots the words: "Against the amendment to Article 16 of the Constitution of the State of Texas, providing for State-wide prohibition."

Section 3. The Governor of the State is hereby directed to issue the necessary proclamation for said election and to have the same published as required

by the Constitution and laws of the State.

Section 4. The sum of five thousand dollars (\$5,000), or so much thereof as may be necessary, is hereby appropriated out of any funds of the State Treasury not otherwise appropriated to defray the expenses of such proclamation, publication and election.

The resolution was read second time, and ordered engrossed by the following vote:

Yeas—19.

Adams.	Perkins.
Alexander.	Senter.
Brachfield.	Stokes.
Bryan.	Sturgeon.
Cofer.	Terrell of Bowie.
Greer.	Terrell of McLennan.
Hayter.	Thomas.
Holsey.	Veale.
Mayfield.	Ward.
Meachum.	

Nays—11.

Hudspeth.	Peeler.
Hume.	Real.
Kellie.	Watson.
Masterson.	Weinert.
Murray.	Willacy.
Paulus.	

Absent.

Harper.

Senator Brachfield moved to reconsider the vote by which the resolution was ordered engrossed, and spread the motion on the Journal.

#### REASONS FOR VOTING ON SENATE JOINT RESOLUTION NO. 1.

I vote against submission because the main issue between my honorable opponent and myself for the Senate was to the effect that he would follow the State Democratic platform on submission, and I would follow the majority of the Democratic voters of my district. This issue was discussed in every debate. Our positions were repeatedly published in every paper and mailed to every voter in my district. The majority in the district against submission was 1706, and in view of that fact and of the further fact that the Democratic convention that declared me the nominee for Senator, which convened after the State convention was held, instructed me to vote against submission. I shall comply with such instruction. This was the position taken by Mr. Bryan when he was in Congress and no Demo-

crat has ever dared to criticize him for it.

Two years ago a majority of the Democrats in my county instructed me by special primary, as one of their representatives, to vote against a regular State Democratic nominee for United States Senator, and I adhered to said instruction. No Democrat in Texas has ever questioned my action, or the authority of my people to instruct me.

I would be a traitor to myself and to the Democrats I represent if I failed to carry out their instructions on any question. They are the people who put me in office; they are the people to whom I am alone accountable for my actions, and whenever I decide to ignore their instructions I will resign my seat in the Senate.

I am also against the submission of the amendment because it lacked 17,420 votes of being endorsed by a majority vote of all the votes cast in the last State primary by the Democratic party, and hence, under the existing law, it can not now be treated as a demand for specific legislation.

J. L. PEELER.

Not having delivered an address on the floor of the Senate upon the question of "Submission," I deem it proper that a record of my reasons for supporting "Submission" be printed in the Journal.

I am a Democrat, and as such I stand for Democratic principles and usages.

The word "democracy" is derived from two Greek words, *deamos*—the people, and *kratein*—to be strong, to rule; hence government by the people and for the people.

Thomas Jefferson contended early in the history of this Republic for "State" rights, as against a centralized government, maintaining that the people as a unit possessed the innate right to govern—that the suffrage of the people expressed at the ballot box was the sovereign arbiter in all matters pertaining to the body politic. Anything which tends to contravene this fundamental doctrine tends to disrupt the Democratic party.

Our opponents seek to justify their action in opposing "Submission" by two contentions.

(1) They claim that although the "Submissionists" had a majority of the votes cast in the primary election in July, yet it was not a majority of all the qualified voters in the State. This

is a dangerous and unprecedented contention, contrary to common sense, to usage, to reason, to justice and democracy. If it could be proven that those people who did not vote were all opposed to "Submission" and that undue advantage had been taken of them to prevent them from voting, then, indeed, there would be some reason for contention, but such is not true. The election was legally held, and the polls were open to all legalized voters.

Again, the strong presumption is, had the full vote of the State been polled the result of the election would have remained unchanged. I feel safe in asserting that if the result of the election had been reversed such a contention as the "anti-submissionists" have set up would never have been known.

(2) The other contention is, that each Representative and Senator should represent his local constituents. This is also a new doctrine, never known until now.

When a man is elected to either branch of the Legislature as a State officer, paid by the State for his services and is responsible to the people for his actions.

Local self-government, as it is now wrought upon the State, is a delusion. This State, made up of every community, and the representatives elected with the responsibility of governing for the entire State.

It is true that there may be some local interests, but each representative of that community should give special attention to no representative or section. The State has a right to set up a policy against the policy as it affects the State as a whole.

The credentials of a member of the Legislature are to the State, hence he is the servant of the State, and is authorized only to act in accordance with the expressed will of the people of the State.

A majority of the people, on the 25th day of last July, asked for the privilege of voting on a constitutional amendment. The Democratic party demanded that the Legislature should pass a "Submission Bill," and for these reasons I vote for "Submission."

HAYTER.

#### SENATE BILL NO. 82.

On motion of Senator Weinert, the pending order of business (Senate bill

No. 154) was suspended, and the Senate took up, out of its order, Senate bill No. 82, by the following vote:

## Yeas—26.

Adams.	Murray.
Brachfield.	Paulus.
Bryan.	Peeler.
Cofer.	Perkins.
Greer.	Real.
Hayter.	Senter.
Holsey.	Stokes.
Hudspeth.	Sturgeon.
Hume.	Terrell of McLennan.
Kellie.	Thomas.
Masterson.	Ward.
Mayfield.	Weinert.
Meachum.	Willacy.

## Nays—1.

Alexander.

Absent.

Harper.	Veale.
Terrell of Bowie.	Watson.

The Chair laid before the Senate Senate bill No. 82 (see former proceedings of today for action on the bill).

Senator Weinert moved to reconsider the vote by which the bill was ordered engrossed.

The motion prevailed.

The Chair then laid before the Senate, on second reading,

Senate bill No. 82 (see former proceedings of today for action on the bill).

Senator Weinert moved to reconsider the vote by which the bill was ordered engrossed.

The motion prevailed.

The Chair then laid before the Senate, on second reading, Senate bill No. 82 (see former proceedings of today for action on the bill).

Senator Weinert offered the following amendment, which was read and adopted:

Amend the caption by adding: "And declaring an emergency."

Bill read second time, and ordered engrossed.

On motion of Senator Weinert, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

## Yeas—27.

Adams.	Murray.
Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Real.
Cofer.	Senter.
Greer.	Stokes.
Hayter.	Sturgeon.
Holsey.	Terrell of Bowie.
Hudspeth.	Thomas.
Hume.	Ward.
Kellie.	Watson.
Masterson.	Weinert.
Mayfield.	Willacy.
Meachum.	

Absent.

Harper.	Terrell of McLennan.
Perkins.	Veale.

The bill was read third time, and passed by the following vote:

## Yeas—28.

Adams.	Murray.
Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Perkins.
Cofer.	Real.
Greer.	Senter.
Hayter.	Stokes.
Holsey.	Sturgeon.
Hudspeth.	Terrell of Bowie.
Hume.	Thomas.
Kellie.	Ward.
Masterson.	Watson.
Mayfield.	Weinert.
Meachum.	Willacy.

Absent.

Harper.	Veale.
Terrell of McLennan.	

Senator Weinert moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

## SENATE BILL NO. 154.

Action then recurred on Senate bill No. 154.

Senator Senter offered the following amendment:

Amend the bill by adding a new section, to be numbered Section 4, and to read as follows:

"Section 4. That Article 642 of the Revised Civil Statutes of the State of Texas be amended by the addition of Subdivisions 72, 73, 74, 75, 76 and 77, to read as follows:

"72. For the transportation of pas-



sengers or baggage, or of passengers and baggage by means of wagons, wagonettes, omnibuses, cabs, carriages, automobiles and taxicabs, or either of such vehicles or other similar vehicles."

"73. For the business of constructing and repairing buildings, bridges, dams and structures of any kind, and for building, improving and repairing roads, streets and sidewalks, and for similar construction work."

"74. For the purpose of acting as agent and to hold agency contracts for any lawful business; provided, such corporations shall not act or represent in the State of Texas any foreign corporation which is not authorized under a legal permit to do business in Texas."

"75. For the organization of commercial clubs in cities, towns or villages."

"76. To include one or more of the following purposes, by original charter, or by amendment thereof; the supply of water to the public; the manufacture and supply of ice, gas, heat, electric light and motor powers, or either of them, to the public; the manufacture, supply and sale of carbonated and distilled water, and the operation of cotton seed oil mills or cotton compress; provided, that corporations which are organized to include more than one of such purposes shall pay the franchise tax assessed by law for each of such purposes, and provided further, that the charter of any such corporation shall be and become void and subject to forfeiture upon suit by the State in the event of a majority of its shares of stock shall be acquired or owned, directly or indirectly, by any other corporation."

Pending.

Senator Cofer offered the following amendment to the amendment:

Amend the amendment of the Senator from Dallas by adding Subdivision 77. to read as follows:

"77. For the organization of companies to conduct and carry on a general advertising and bill posting service, and in connection therewith to erect bill boards and to manufacture, purchase and sell such goods, wares, merchandise, utensils and implements necessary to be purchased and used in such business."

The amendment to the amendment was read and adopted.

Pending discussion, Senator Masterson moved that all proposed amendments to the bill be printed in the Journal, and that the bill be laid on the President's table subject to call.

The motion prevailed.

Following are the proposed amendments to the bill:

By Senator Meachum:

Amend the bill, page 2, line 2, by adding after the amendment adopted following the word "State," the following: "Provided, no property upon which is located a cemetery shall ever be condemned, unless it shall affirmatively be shown and so found by the court trying any such condemnation suit that it is absolutely necessary to take such property, and no other route is feasible or practicable, and."

#### SENATE JOINT RESOLUTION NO. 7— MADE SPECIAL ORDER.

On motion of Senator Willacy, the special order of business (Senate bill No. 156) was suspended, and the Senate took up, out of its order, Senate Joint Resolution No. 7, by the following vote:

Yeas—28.

Adams.	Peeler.
Alexander.	Real.
Bryan.	Senter.
Cofer.	Stokes.
Greer.	Sturgeon.
Hayter.	Terrell of Bowie.
Holsey.	Terrell of
Hudspeth.	McLennan.
Hume.	Thomas.
Kellie.	Veale.
Masterson.	Ward.
Mayfield.	Watson.
Meachum.	Weinert.
Murray.	Willacy.
Paulus.	

Absent.

Brachfield.	Perkins.
Harper.	

The Chair laid before the Senate, on second reading,

Senate Joint Resolution No. 7. To amend Section 51 of Article 3 of the Constitution of the State of Texas, as amended in 1903, so as to authorize the grant of aid in the establishment and maintenance of a home for the disabled and dependent wives and widows of Confederate soldiers and sailors and such women as aided the Confederacy, and making an appropriation."

Senator Willacy moved that the resolution be made a special order for next Tuesday morning after the morning call.

The motion prevailed.

## SENATE BILL NO. 77.

On motion of Senator Paulus, the special order of business (Senate bill No. 156) was suspended, and the Senate took up, out of its order, Senate bill No. 77 by the following vote:

Yeas—28.

Adams.	Murray.
Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Real.
Cofer.	Senter.
Greer.	Stokes.
Hayter.	Sturgeon.
Holsey.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Hume.	Thomas.
Kellie.	Veale.
Masterson.	Watson.
Mayfield.	Weinert.
Meachum.	Willacy.

Absent.

Harper.	Ward.
Perkins.	

The Chair laid before the Senate, on second reading,

Senate bill No. 77, A bill to be entitled "An Act to amend Articles 3498u, 3498v, 3498w and 3498x, Title 72, Chapter 1, of the Revised Civil Statutes of the State of Texas, so as to embrace within its provisions lunatics, idiots and persons non compos mentis, in addition to minors as now embraced therein, and declaring an emergency."

The bill was read second time, and

Senator Senter offered the following amendment:

Amend the bill, page 2, line 23, by adding at the end thereof the following words: "Provided, further, that in any such case, without regard to the amount involved, the judge of the court in which the judgment is rendered shall have authority, upon an application and hearing in term time or vacation, to provide by decree for an investment of the funds accruing under such judgment, as he may deem advisable and to the best intent of the beneficiary or beneficiaries. If such decree shall be made in vacation, it shall be recorded in the minutes of the succeeding term of court."

The amendment was read, and adopted.

Bill read second time, and ordered engrossed.

On motion of Senator Paulus, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third

reading and final passage by the following vote:

Yeas—24.

Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Real.
Cofer.	Senter.
Greer.	Stokes.
Hayter.	Sturgeon.
Holsey.	Terrell of McLennan.
Hudspeth.	Thomas.
Hume.	Veale.
Kellie.	Ward.
Mayfield.	Watson.
Meachum.	Willacy.

Absent.

Adams.	Perkins.
Harper.	Terrell of Bowie.
Masterson.	Weinert.
Murray.	

The bill was read third time, and passed by the following vote:

Yeas—25.

Adams.	Paulus.
Alexander.	Peeler.
Brachfield.	Real.
Bryan.	Senter.
Cofer.	Stokes.
Greer.	Sturgeon.
Hayter.	Terrell of
Holsey.	McLennan.
Hudspeth.	Thomas.
Hume.	Veale.
Kellie.	Ward.
Mayfield.	Watson.
Meachum.	Willacy.

Absent.

Harper.	Perkins.
Masterson.	Terrell of Bowie.
Murray.	Weinert.

Senator Paulus moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

# SENATE BILL NO. 62—REFUSE TO CONCUR IN HOUSE AMENDMENTS.

Senator Meachum here called up

Senate bill No. 62, A bill to be entitled "An Act making it a criminal offense for any person to send to another person an anonymous letter or writing reflecting upon the integrity, chastity, virtue, good character or reputation of any person, or wherein the life of any such person is threatened, and prescribing a penalty for the violation thereof, and declaring an emergency,"

And moved that the Senate do not concur in the following House amendments, and requested a Free Conference Committee:

Amend Senate bill No. 62, page 1, in line 33, by striking out the word "and" and inserting the word "or," and add after the word "month," in line 35, "or by both fine and imprisonment."

Amend the bill by striking out Section 3 of the bill.

The motion to non-concur prevailed.

#### FREE CONFERENCE COMMITTEE APPOINTED.

The Chair (Lieutenant Governor Davidson) appointed the following Free Conference Committee on the above bill:

Senators Meachum, Watson, Stokes, Terrell of Bowie and Brachfield.

#### HOUSE BILL NO. 356.

Senator Holsey called up House bill No. 356.

On motion of Senator Holsey, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its second reading by the following vote:

##### Yeas—24.

Adams.	Meachum.
Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Real.
Cofer.	Senter.
Greer.	Sturgeon.
Hayter.	Terrell of McLennan.
Holsey.	Thomas.
Hudspeth.	Veale.
Hume.	Ward.
Kellie.	Watson.
Mayfield.	Willacy.

##### Nays—1.

Stokes.

##### Absent.

Harper.	Perkins.
Masterson.	Terrell of Bowie.
Murray.	Weinert.

On motion of Senator Holsey, the Senate rule requiring committee reports to lie over for one day was suspended, for the purpose of considering this bill (see Appendix for committee report) by the following vote:

##### Yeas—22.

Adams.	Brachfield.
Alexander.	Bryan.

Cofer.	Senter.
Greer.	Stokes.
Hayter.	Sturgeon.
Holsey.	Terrell of McLennan.
Hume.	Thomas.
Kellie.	Veale.
Meachum.	Ward.
Paulus.	Watson.
Peeler.	Willacy.

##### Absent.

Harper.	Perkins.
Hudspeth.	Real.
Masterson.	Terrell of Bowie.
Mayfield.	Weinert.
Murray.	

The Chair laid before the Senate, on second reading, House bill No. 356 (see Appendix for committee report and caption).

On motion of Senator Holsey, the committee report, which provided that the bill be not printed, was adopted.

Bill read second time, and passed to third reading.

On motion of Senator Holsey, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

##### Yeas—24.

Adams.	Paulus.
Alexander.	Peeler.
Brachfield.	Senter.
Bryan.	Stokes.
Cofer.	Sturgeon.
Greer.	Terrell of McLennan.
Hayter.	Thomas.
Holsey.	Veale.
Hume.	Ward.
Kellie.	Watson.
Meachum.	Weinert.
Murray.	Willacy.

##### Absent.

Harper.	Perkins.
Hudspeth.	Real.
Masterson.	Terrell of Bowie.
Mayfield.	

The bill was read third time, and passed by the following vote:

##### Yeas—26.

Adams.	Kellie.
Alexander.	Masterson.
Brachfield.	Meachum.
Bryan.	Murray.
Cofer.	Paulus.
Greer.	Peeler.
Hayter.	Senter.
Holsey.	Stokes.
Hume.	Sturgeon.

Terrell of Bowie. Ward.  
 Terrell of McLennan. Watson.  
 Thomas. Weinert.  
 Veale. Willacy.

Absent.

Harper. Perkins.  
 Hudspeth. Real.  
 Mayfield.

Senator Holsey moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

#### SENATE CONCURRENT RESOLUTION NO. 8.

Senator Murray called up Senate Concurrent Resolution No. 8.

On motion of Senator Murray, the Senate rule requiring committee reports to lie over for one day was suspended, for the purpose of considering the bill (see Appendix for committee report) by the following vote:

Yeas—24.

Adams. Murray.  
 Alexander. Paulus.  
 Brachfield. Peeler.  
 Bryan. Stokes.  
 Cofer. Sturgeon.  
 Greer. Terrell of McLennan.  
 Hayter. Thomas.  
 Holsey. Veale.  
 Hume. Ward.  
 Kellie. Watson.  
 Masterson. Weinert.  
 Meachum. Willacy.

Absent.

Harper. Real.  
 Hudspeth. Senter.  
 Mayfield. Terrell of Bowie.  
 Perkins.

The Chair laid before the Senate, on second reading,

Senate Concurrent Resolution No. 8, Inviting Hon. John A. Fox to address a joint session of the Thirty-first Legislature.

On motion of Senator Murray, the committee report, which provided that the resolution be not printed, was adopted.

The resolution was read and adopted.

#### SENATE BILL NO. 171.

On motion of Senator Watson, the special order of business (Senate bill No. 156) was suspended, and the Senate

took up, out of its order, Senate bill No. 171 by the following vote:

Yeas—23.

Adams. Paulus.  
 Alexander. Peeler.  
 Brachfield. Stokes.  
 Bryan. Sturgeon.  
 Cofer. Terrell of McLennan.  
 Greer. Thomas.  
 Hayter. Veale.  
 Holsey. Ward.  
 Hume. Watson.  
 Kellie. Weinert.  
 Masterson. Willacy.  
 Meachum.

Absent.

Harper. Perkins.  
 Hudspeth. Real.  
 Mayfield. Senter.  
 Murray. Terrell of Bowie.

The Chair laid before the Senate, on second reading,

Senate bill No. 171, A bill to be entitled "An Act to amend Sections 2, 3, 4, 5 and 6 of Chapter 124 of the Acts of the Regular Session of the Twenty-ninth Legislature, relating to the investment of the Permanent School Fund by the Board of Education, by providing for purchase by said Board of bonds of the United States, the State of Texas, the bonds of counties of the State of Texas, the bonds of the independent school districts of Texas, and of the common school districts of said State, and declaring an emergency."

Bill read second time, and ordered engrossed.

On motion of Senator Watson, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—24.

Adams. Paulus.  
 Alexander. Peeler.  
 Brachfield. Senter.  
 Bryan. Stokes.  
 Cofer. Sturgeon.  
 Greer. Terrell of McLennan.  
 Hayter. Thomas.  
 Holsey. Veale.  
 Hume. Ward.  
 Kellie. Watson.  
 Masterson. Weinert.  
 Meachum. Willacy.

Absent.

Harper. Mayfield.  
 Hudspeth. Murray.

Perkins.  
Real.

Terrell of Bowie.

The bill was read third time, and passed by the following vote:

Yeas—23.

Adams.	Paulus.
Alexander.	Peeler.
Brachfield.	Senter.
Bryan.	Sturgeon.
Cofer.	Terrell of McLennan.
Greer.	Thomas.
Hayter.	Veale.
Holsey.	Ward.
Hume.	Watson.
Kellie.	Weinert.
Masterson.	Willacy.
Meachum.	

Nays—1.

Stokes.

Absent.

Harper.	Perkins.
Hudspeth.	Real.
Mayfield.	Terrell of Bowie.
Murray.	

Senator Watson moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

### THIRD HOUSE MESSAGE.

Hall of the House of Representatives,  
Austin, Texas, February 18, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

House bill No. 25, A bill to be entitled "An Act to place it within the discretion of the judges of the district and county courts having jurisdiction in each county, to dispense with the services of county auditors and to determine whether or not such county auditors shall be appointed or employed, and declaring an emergency."

House bill No. 284, A bill to be entitled "An Act to validate sales of real estate within this State heretofore made by foreign executors of wills probated in any of the States of the United States."

House bill No. 230, A bill to be entitled "An Act to add to the Agricultural and Mechanical College of Texas a department of instruction in the theory and practical art of grading, classing, stapling and spinnable value of cotton and kindred branches of the cotton industry, and to make an appropriation therefor."

House bill No. 270, A bill to be entitled "An Act to provide for the teaching of agriculture, manual training and domestic science in the State normal schools at Huntsville, Denton and San Marcos; and of agriculture, including such courses in manual training and domestic economy as are subsidiary to agriculture, in public high schools which shall meet certain prescribed conditions; and of elementary agriculture for teachers in the summer sessions of the State normal schools at Huntsville, Denton and San Marcos, of the Agricultural and Mechanical College at Bryan, of the College of Industrial Arts for Girls at Denton, and of the State University at Austin; and give the State Board of Education authority to fix salaries and wages of principals, presidents, teachers and other employes at the State normal schools, and making an appropriation therefor, and declaring an emergency." with engrossed rider.

Respectfully,

BOB BARKER.

Chief Clerk, House of Representatives.

### BILLS READ AND REFERRED.

The Chair (Lieutenant Governor Davidson) had read and referred, after their captions had been read, the following House bills (see House message above for captions of):

House bill No. 25 referred to Judiciary Committee No. 1.

House bill No. 284 referred to Judiciary Committee No. 1.

House bill No. 230 referred to Committee on Educational Affairs.

House bill No. 270 referred to Committee on Educational Affairs.

House bill No. 382 referred to Committee on Towns and City Corporations.

### SENATE BILL NO. 126—PASSAGE OF.

Here Senator Weinert called up the motion to reconsider the vote by which the minority committee report on Senate bill No. 126 was adopted, said motion having been spread on the Journal. (See Journal of February 11.)

The motion to reconsider the vote by which the minority committee report was adopted prevailed.

The Chair then laid before the Senate, on second reading,

Senate bill No. 126, A bill to be entitled "An Act to establish a chair of Homeopathic materia medica and therapeutics

in the Galveston Medical Branch of the State University, and instructing the Board of Regents of the State University to engage a teacher identified with the Homeopathic school of medicine to teach this branch of medicine, and to set aside a room or rooms, and to furnish same for didactic and clinical lectures, and declaring an emergency."

The majority committee report was then adopted, on motion of Senator Cofer.

Senator Cofer offered the following amendment, which was read and adopted:

Amend the bill by striking out all of Section 1 and insert in lieu thereof the following:

"Section 1. The Board of Regents of the State University are authorized, if the Medical Branch at Galveston, Texas, a chair of Homeopathic materia medica and therapeutics and employ a competent teacher, who shall be identified with this branch of medicine, to teach the same in this institution."

MASTERSON,  
COFER,

Bill read second time, and ordered engrossed.

On motion of Senator Cofer, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—24.

Adams.	Paulus.
Alexander.	Peeler.
Brachfield.	Senter.
Bryan.	Stokes.
Cofer.	Sturgeon.
Greer.	Terrell of McLennan.
Hayter.	Thomas.
Holsey.	Veale.
Kellie.	Ward.
Masterson.	Watson.
Meachum.	Weinert.
Murray.	Willacy.

Absent.

Harper.	Perkins.
Hudspeth.	Real.
Hume.	Terrell of Bowie.
Mayfield.	

The bill was read third time, and passed by the following vote:

Yeas—24.

Adams.	Alexander.
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Brachfield.	Peeler.
Bryan.	Senter.
Cofer.	Stokes.
Greer.	Sturgeon.
Hayter.	Terrell of McLennan.
Holsey.	Thomas.
Kellie.	Veale.
Masterson.	Ward.
Meachum.	Watson.
Murray.	Weinert.
Paulus.	Willacy.

Absent.

Harper.	Perkins.
Hudspeth.	Real.
Hume.	Terrell of Bowie.
Mayfield.	

Senator Cofer moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

#### BILLS SIGNED.

The Chair (Lieutenant Governor Davidson) gave notice of signing, and did sign in the presence of the Senate after their captions had been read, the following bills:

Senate bill No. 35, "An Act to exempt the county of Val Verde from the provisions and operations of Articles 5002 to 5042, inclusive, of Chapter 6, Title 102, of the Revised Statutes of 1895, relating to the inspections of hides and animals, and repealing all laws in conflict therewith, and declaring an emergency."

House bill No. 276, "An Act to amend Subdivision 23, Article 5049, Chapter 1, Title 104 of the Revised Statutes of Texas, regulating the general occupation tax as amended by act of the twenty-fifth Legislature, said amendment being Chapter 18 of the Acts of the Special Session of the Twenty-fifth Legislature, convened at the city of Austin, May 22, 1897, and adjourned June 20, 1897, being shown at page 49 of the General Laws of said Special Session."

#### ADJOURNMENT.

On motion of Senator Meachum the Senate, at 6:15 o'clock p. m., adjourned until tomorrow morning at 10 o'clock.

## APPENDIX.

## COMMITTEE REPORTS.

(Floor Report.)

Austin, Texas, February 18, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Judicial Districts, to whom was referred

Senate bill No. 237, A bill to be entitled "An Act to amend Section 26 of Article 22 of Title 4 of the Revised Civil Statutes of the State of Texas, and to change and prescribe the times for holding district court in the Twenty-sixth Judicial District of the State of Texas, and to define the jurisdiction thereof, and to provide for the venue and transfer of causes in the Twenty-sixth and Fifty-third district courts, and to provide for a clerk of the district court of the Twenty-sixth and Fifty-third Judicial Districts in and for Travis county, and to conform all writs, process, bonds, recognizances and drawings of petit and grand juries of such courts to the changes made, and providing for the drawing of grand juries in the Twenty-sixth and Fifty-third Judicial Districts, and to repeal all laws in conflict herewith, and declaring an emergency."

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass, and be not printed.

Watson, Chairman; Willacy, Paulus, Masterson, Perkins, Peeler, Terrell of Bowie, Sturgeon, Hume, Ward.

(Floor Report.)

Austin, Texas, February 18, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Judicial Districts, to whom was referred

Senate bill No. 217, A bill to be entitled "An Act changing and fixing the times of holding the courts in the Sixty-third Judicial District of Texas,"

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass, and be not printed.

Watson, Chairman; Willacy, Perkins, Paulus, Terrell of Bowie, Peeler, Sturgeon, Masterson.

(Floor Report.)

Austin, Texas, February 18, 1908.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Judicial Districts, to whom was referred

Senate bill No. 169, A bill to be entitled "An Act to name the several counties composing the Twenty-third and the Fifty-first Judicial Districts of the State of Texas, and to fix the time for holding the district courts therein, and to repeal an act entitled 'An Act to name the several counties composing the Fifty-first Judicial District, and to fix the times for holding the district courts therein,' and to repeal all laws and parts of laws in conflict herewith, Chapter 72, General Laws of the State of Texas, page 98, passed by the Twenty-eighth Legislature, and to repeal Section 2 of an act entitled 'An Act to amend an act to reorganize the Twenty-seventh, Thirty-third and Thirty-fifth Judicial Districts of the State of Texas, and to fix the time for holding court therein, as passed by the Twenty-seventh Legislature, Chapter 64, page 133, and to repeal all laws and parts of laws in conflict therewith,' passed by the Twenty-ninth Legislature, Chapter 37, page 47, in so far as the latter act conflicts with the provisions of this act relating to the organization of the Thirty-third Judicial District of the State of Texas,"

Have had the same under consideration and beg leave to report it back to the Senate with the recommendation that it do pass, and be not printed.

Watson, Chairman; Willacy, Perkins, Paulus, Sturgeon, Terrell of Bowie, Masterson, Peeler.

Committee Room,

Austin, Texas, February 17, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on State Affairs, to whom was referred

Senate Concurrent Resolution No. 8, Inviting Hon. John A. Fox, special director of the National Rivers and Harbors Congress, to address a joint session of the Legislature on the 26th day of February, at 3 o'clock p. m.,

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

PEELER, Chairman.

Committee Room.

Austin, Texas, February 17, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on State Affairs to whom was referred

Senate Concurrent Resolution No. 7, Granting leave of absence to the judge of the Fortieth Judicial District,

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

PEELER, Chairman.

(Majority Report.)

Committee Room,

Austin, Texas, February 17, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on State Affairs, to whom was referred

Senate bill No. 224, A bill to be entitled "An Act to amend Chapter 11 of the General Laws of the First Called Session of the Twenty-ninth Legislature, entitled 'An Act to regulate elections and to provide penalties for its violations, and to repeal the Acts of the Twenty-eighth Legislature of 1903, regulating elections, general, special and primary, and political conventions, approved April 1, 1903,' by adding thereto Section 11a, providing that all candidates for any Federal, State, district or county office shall prepare and file with the county clerk of the county of said candidate's residence, and with the chairman of the political party with which he is affiliating, a sworn statement of said candidate's relations to and service for any and all corporations for the two years next preceding such filing; providing time and procedure of filing said statement; providing that no candidate's name shall be printed upon the official ballot who fails to comply with the provisions of this act; providing for its punishment for violations, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass.

PEELER, Chairman.

(Minority Report.)

Committee Room,

Austin, Texas, February 18, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: We, a minority of your Committee on State Affairs, to whom was referred

Senate bill No. 224, A bill to be entitled "An Act to amend Chapter 11 of the General Laws of the First Called Session of the Twenty-ninth Legislature, entitled 'An Act to regulate elections and to provide penalties for its violations, and to repeal the Acts of the Twenty-eighth Legislature of 1903, regulating

elections, general, special and primary, and political conventions, approved April 1, 1903,' by adding thereto Section 11a, providing that all candidates for any Federal, State, district or county office shall prepare and file with the county clerk of the county of said candidate's residence and with the chairman of the political party with which he is affiliating, a sworn statement of said candidate's relation to and service for any and all corporations for the two years next preceding such filing; providing time and procedure of filing said statement; providing that no candidate's name shall be printed upon the official ballot who fails to comply with the provisions of this act; providing punishment for its violation, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

THOMAS.

(Majority Report.)

Committee Room,

Austin, Texas, February 17, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on State Affairs, to whom was referred

Senate bill No. 8, A bill to be entitled "An Act to prohibit State Representatives and Senators, members of Congress and United States Senators from holding offices, while acting as an attorney, or in the employment of any public corporation, and prescribing penalties therefor,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass.

PEELER, Chairman.

(Minority Report.)

Committee Room,

Austin, Texas, February 17, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: We, a minority of your Committee on State Affairs, to whom was referred

Senate bill No. 8, A bill to be entitled "An Act to prohibit State Representatives and Senators, members of Congress and United States Senators from holding offices while acting as an attorney or in the employment of any public corporation, and prescribing penalties therefor,"

Have had the same under considera-



tion, and beg leave to report it back to the Senate with the recommendation that it do pass.

THOMAS.

Committee Room,

Austin, Texas, February 17, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on State Affairs, to whom was referred

House bill No. 124, A bill to be entitled "An Act to amend Section 2 of Chapter 124 of the Acts of the Twenty-ninth Legislature, relating to investments of the State permanent school fund,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

PEELER, Chairman.

Committee Room,

Austin, Texas, February 17, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on State Affairs, to whom was referred

House bill No. 142, A bill to be entitled "An Act to create the Texas Library and Historical Commission, setting forth the purposes of the said Library and Historical Commission; defining its powers and duties; repealing Article 2805 of the Revised Civil Statutes of the State of Texas; amending Article 2806, and in general repealing all laws and parts of laws in conflict with this act,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

PEELER, Chairman.

(Floor Report.)

Austin, Texas, February 18, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Towns and City Corporations, to whom was referred

House bill No. 356, A bill to be entitled "An Act to amend Section 193 of an act of the Twenty-eighth Legislature of the State of Texas, entitled 'An Act to incorporate the city of Corsicana, in Navarro county, Texas, and to fix the boundaries thereof, and to provide for its government and the management of its affairs,' and amended by Chapter 39 of the Special Laws of the State of Texas so as to correct certain

errors in the field notes describing the saloon limits in said city, defined in said Section 193, and declaring an emergency,"

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass, and be not printed.

Senter, Willacy, Alexander, Real, Masterson, Sturgeon, Peeler, Terrell of McLennan, Hume, Holsey.

(Floor Report.)

Austin, Texas, February 18, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Towns and City Corporations, to whom was referred

House bill No. 357, A bill to be entitled "An Act to amend an act of the Twenty-eighth Legislature of the State of Texas, entitled 'An Act to incorporate the city of Corsicana, in Navarro county, Texas, and to fix the boundaries thereof, and to provide for its government and the management of its affairs,' and amended by Chapter 39 of the Special Laws of the Thirtieth Legislature of the State of Texas, by amending Sections 5, 24, 25, 27, 34, 35, 36, 37, 40, 41, 42, 44, 45, 48, 113, 116, 124, 135, 147, 172, 181, 182, 185, 230 and 240, and by repealing Sections 26, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292 and 293 thereof, so as to abolish the board of commissioners therein provided for, and confer upon the city powers, rights and authority therein conferred upon said board of commissioners, and declaring an emergency,"

Have had the same under consideration, and beg to report it back to the Senate with the recommendation that it do pass, and be not printed.

Senter, Willacy, Alexander, Real, Masterson, Sturgeon, Peeler, Terrell of McLennan, Hume, Holsey.

Committee Room.

Austin, Texas, February 17, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Internal Improvements, to whom was referred

House bill No. 51, A bill to be entitled "An Act requiring railways and railroad corporations or lessees thereof operating within the State of Texas and having their repair shops in the State, to repair, renovate and rebuild and over-

haul all defective or broken cars, coaches, locomotives or other equipment in the State of Texas, and prohibiting any railway or railroad corporation from sending or moving any defective cars out of the State to be repaired, renovated or rebuilt, and fixing a penalty for the violations of this act."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, with the following amendments:

Amend Section 1 of the bill by adding thereto the following: "Provided, that the provisions of this act shall not apply to companies having less than sixty continuous miles of railroad in operation in this State, and provided further that if a railroad company shall have such work done in this State by any other railroad company in this State it shall be deemed a compliance with the provisions of this act."

Amend by inserting Section 3, as follows: "Be it further enacted that the provisions of this act shall not apply in cases of strike, fires or other unforeseen casualties and emergencies and change the numbering of Section 3 of the act to Section 4, to comply with the numbering in the original bill."

BRACHFIELD, Chairman.

(Floor Report.)

Austin, Texas, February 18, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Constitutional Amendments, to whom was referred

House Joint Resolution No. 6, To amend Section 3, Article 7 of the Constitution of the State of Texas, in regard to the formation and taxing power of school districts,

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass.

Veale, Perkins, Watson, Masterson, Brachfield, Stokes, Cofer.

(Floor Report.)

Austin, Texas, February 18, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Constitutional Amendments, to whom was referred

House Joint Resolution No. 5, To

amend Article 7 of the Constitution of the State of Texas by adding thereto Section 3a, validating school districts and bonded indebtedness of such districts, and authorizing the levy and collection of taxes to pay such indebtedness,

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass, with the following amendment:

"Section 3. That \$5000, or as much thereof as may be necessary, be and the same is hereby appropriated out of any money in the treasury not otherwise appropriated to defray the expenses of advertising and holding the election provided for above."

Veale, Perkins, Watson, Masterson, Brachfield, Stokes, Cofer.

(Floor Report.)

Austin, Texas, February 18, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Finance Committee, to whom was referred

Senate bill No. 228, A bill to be entitled "An Act to authorize the commissioners court of the several counties in Texas to refund to holders of unexpired liquor dealers' license and occupation tax receipts revoked by the enactment of Chapter 138 of the General Laws by the Thirtieth Legislature, entitled 'An Act to regulate the sale and disposition of spirituous, vinous and malt liquors,' etc., and to declare valid orders heretofore made by commissioners court for the refunding of such amounts, and also declaring valid and binding on such counties payments already made out of the county treasury of such amounts on account of the refunding of the unexpired portion of such license and tax receipt,"

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass.

Willacy, Chairman; Brachfield, Weinert, Sturgeon, Peeler, Holsey, Murray, Terrell of Bowie, Paulus.

(Floor Report.)

Austin, Texas, February 18, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Roads,

Bridges and Ferries, to whom was referred

Senate bill No. 247, A bill to be entitled "An Act to authorize and empower Lamar county or any political subdivision of said county by an affirmative vote of two-thirds of the resident property taxpayers, qualified voters of such county or political subdivision thereof, voting thereon, to issue bonds to any amount not exceeding one-fourth of the assessed valuation of the real property of such county, or of such political subdivision, and to levy and collect taxes to pay the interest on such bonds, and to provide a sinking fund for the redemption thereof for the purpose of constructing, maintaining and operating macadamized, ballasted, graveled or paved roads and turnpikes, and prescribing ways and means of conducting and supervising said work."

Have had the same under consideration, and beg to report it back to the Senate with the recommendation that it do pass, and be not printed.

Greer, Chairman; Mayfield, Terrell of McLennan, Paulus, Murray, Peeler, Sturgeon.

(Floor Report.)

Austin, Texas, February 18, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Roads, Bridges and Ferries, to whom was referred

Senate bill No. 235, A bill to be entitled "An Act to amend Chapter 80 of the Special Laws passed by the Regular Session of the Thirtieth Legislature of the State of Texas, approved April 15, 1907, and to create a more efficient road law for Lee county, Texas, and to provide for the appointment of superintendent of public roads and bridges for Lee county, and to provide his qualifications, terms of office and salary; to authorize and empower the said county to issue bonds or levy a tax for the construction or purchase of bridges, and construction and maintenance of public roads and highways within said county, and regulating the compensation of certain officers; providing for the working of county convicts on public roads; relieving certain persons subject to road duty from such duty upon the payment of certain sums of money; to provide for the appointment of assistant county road superintendents; defining powers of said superintendents and their assistants, and

providing for punishments for violation of their duties; providing for the number of days road hands are subject to road duty, and providing certain duties and powers of the commissioners court of said county, and fixing compensation of the members of the said court for certain services; providing for collection of poll taxes due the county by labor upon the public road; providing for the condemnation of certain lands and property for public road use; providing for certain drainage ditches, for pits, etc., to be constructed by certain railroad companies, and providing penalties for violation thereof, and providing for an emergency."

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass, and be not printed.

Greer, Chairman; Veale, Sturgeon, Paulus, Peeler, Murray, Mayfield, Perkins, Terrell of McLennan.

(Floor Report.)

Austin, Texas, February 18, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Roads, Bridges and Ferries, to whom was referred

House bill No. 283, A bill to be entitled "An Act to create a more efficient road system for Lampasas county, Texas, and making the commissioners of said county ex-officio road commissioners in their respective precincts; defining the powers and duties of the commissioners court with reference to roads and bridges; providing for the appointment of road overseers, and defining their duties and providing for and fixing their compensation for certain labor; providing penalties for the violation of this act; giving persons subject to road duty in Lampasas county and persons summoned to work on the public roads of said county the right to be relieved from the discharge of such duty upon the payment of specified sums of money herein stipulated; and providing for the accounting and disposition to be made of the money so paid; providing that delinquent poll tax collector of Lampasas county to furnish to the commissioners court a list of all persons who fail to pay their poll tax; providing for the working of county convicts on the public roads of said county; providing for an election to be held in said county by the qualified taxpaying

voters of said county, on petition, to determine whether or not an additional ad valorem tax for road and bridge purposes shall be levied and collected in said county; also giving the commissioners court the power to establish, change, improve or discontinue public roads with or without petition and notice; and providing that this act shall control in Lampasas county in all cases wherein it differs or is in conflict with the general laws on the subject of roads, and making this act cumulative, and declaring an emergency."

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass, and be not printed.

Greer, Chairman; Peeler, Sturgeon, Murray, Paulus, Veale, Terrell of McLennan, Perkins, Senter.

(Floor Report.)

Austin, Texas, February 18, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Roads, Bridges and Ferries, to whom was referred

Senate bill No. 323, A bill to be entitled "An Act to repeal Chapter 31 of the local and special laws of the Thirtieth Legislature of Texas, creating a special road system for Williamson county, Texas, and approved March 20, 1907, and to create a more efficient road system for Williamson county, Texas, and making county commissioners ex-officio road commissioners,"

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass and be not printed.

Greer, Chairman; Peeler, Sturgeon, Murray, Paulus, Terrell of McLennan, Mayfield, Senter, Perkins.

Committee Room,

Austin, Texas, February 18, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 35, "An Act to exempt the counties of Val Verde, Terrell, Medina, Jeff Davis, Jackson, Hidalgo, Bandera, Van Zandt, Mitchell, Ward, Rains, Erath, Crosby and Kaufman from the provisions and operation of Articles 5002 to 5042, inclusive, of Chapter 66, Title 102 of the Revised

Civil Statutes of 1895, amended by the Twenty-eighth and Twenty-ninth Legislatures, relating to the inspection of hides and animals, and repealing all laws in conflict therewith,"

And find it correctly enrolled, and have this day, at 2:30 o'clock p. m., presented same to the Governor for his approval.

TERRELL of McLennan,  
Chairman.

Committee Room,

Austin, Texas, February 18, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 146, A bill to be entitled "An Act to establish and create in each of the cities of this State having a population of 25,000 inhabitants, a State court, to be known as the corporation court, in such city and to prescribe the jurisdiction and organization thereof, and providing for the custody and care of prisoners doing punishment under judgments from said court,"

And find the same correctly engrossed.

WARD, Chairman.

Committee Room,

Austin, Texas, February 18, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 19, A bill to be entitled "An Act to provide for the location and establishment of a factory for the manufacture of cotton bagging, cotton sacks and cotton twine by the board of management of the State penitentiary, for the employment of managing experts and of certain State convicts in the operation of said factory, and to make an appropriation therefor,"

And find the same correctly engrossed.

WARD, Chairman.

Committee Room,

Austin, Texas, February 18, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 187, A bill to be entitled "An Act to ratify, approve and confirm a certain contract of lease between county of Galveston of the first part, Gulf, Colorado & Santa Fe Railway

Company; Galveston, Houston & Henderson Railroad Company; Galveston, Harrisburg & San Antonio Railway Company of the second part, and Galveston-Houston Electric Railway Company of the third part, relating to the causeway and a certain memoranda of agreement executed by Galveston county, Gulf, Colorado & Santa Fe Railway Company; Galveston, Houston & Henderson Railway Company, and the Galveston, Harrisburg & San Antonio Railway Company, construing Articles 17 and 21 of said contract of lease, and to amend Section 8 of an act approved March 16, 1907, entitled 'An Act to authorize Galveston county to build and own the combination roadway and bridge from mainland to Galveston Island across Galveston Bay, to connect, as part of the roadways of the county on the island and mainland, and the county to issue bonds for same on taxation; also, establish three-mile limit and condemnation proceedings, and providing for the right of way; also to authorize all corporations contracting for right of way upon or use of said structure; to issue and sell bonds therefor, under the regulation and authority of the Railroad Commission, and to lease and authorize corporations, and the city of Galveston to lease right of easement of user of portion of said structure from such county on terms provided by this act and agreed on with the county commissioners court,' with an emergency clause,"

And find the same correctly engrossed,  
WARD, Chairman.

Committee Room,

Austin, Texas, February 17, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 43, and find it correctly enrolled, and have this day, at 3:30 o'clock p. m., presented same to the Governor for his approval.

TERRELL of McLennan,  
Chairman.

Following is the enrolled bill in full:

An Act to authorize the formation, creation and establishment of navigation districts to improve rivers, bays, creeks and streams, to construct and maintain canals and waterways, to permit of navigation or in aid thereof by the commissioners court of the several counties in this State, or by navigation boards; to provide for the

creation and organization of navigation boards where a city or cities, or part or parts thereof, acting under special charter, are included within the limits and boundaries of said navigation districts, and defining the powers of such navigation boards; authorizing the ordering and holding of elections for the purpose of voting on the establishment of such districts, and authorizing the issuance of bonds and levy of tax, and the issuance of bonds in payment for such improvements and the maintenance thereof, and the levying and collecting of taxes for the payment of such bonds and interest and sinking funds thereon; the appointment of navigation and canal commissioners of such navigation districts for the purpose of carrying into effect the provisions of this act; granting the right of eminent domain to such navigation districts or navigation and canal commissioners and authorizing the navigation and canal commissioners to acquire by purchase, gift or grant for such district title to any right of way and other property; authorizing the navigation and canal commissioners to employ engineers, assistant engineers and other employes and to employ counsel; to enter into contract for such improvements; to agree or co-operate with the government of the United States or the proper department or officer thereof for the carrying out of such improvements or the supervision of the same, and for all things necessary for the maintenance of such districts according to the provisions of this act, and providing for entering upon lands for surveys and for all the purposes of this act, and prescribing penalties for violation of this act: repealing all laws and parts of laws in conflict herewith, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. One or more districts may hereafter be established in the several counties of this State to be known as navigation districts, in the manner hereinafter provided, and such districts, may, or may not, include within their boundaries and limits villages, towns and municipal corporations, or any parts thereof. Such navigation districts when so established may make improvement of rivers, bays, creeks, streams and canals running or flowing through such districts of any part thereof and may construct and maintain canals and waterways to permit of navigation or in aid

thereof, may issue bonds in payment thereof as hereinafter provided.

Sec. 2. Upon the presentation to the county commissioners court of any county of this State of a petition (accompanied by the deposit provided for in Section 22 of this act) signed by twenty-five of the resident property taxpayers, or in the event there are less than seventy-five resident property taxpayers in the proposed district, then by one-third of such resident property taxpayers of any proposed navigation district praying for the establishment of a navigation district, and setting forth the boundaries of the proposed district accompanied by a map thereof, the general nature of the improvement or improvements proposed, and an estimate of the probable cost thereof, and praying for the issuance of bonds and levy of tax in payment thereof and designating a name for such navigation district, which name shall include the name of the county, said petitioners shall make affidavit to accompany said petition of their said qualification and the said commissioners court, shall, at the same session when said petition is presented, set same down for hearing at some regular term of said court, or at some special session of said court, called for the purpose, not less than thirty, nor more than sixty days from the presentation of said petition, and shall order the clerk of said court to give notice of the date and place of said hearing by posting a copy of said petition, and the order of the court thereon, in five public places in said county, one of which shall be at the courthouse door of said county and four of which shall be within the limits of said proposed navigation district, which said notices shall be posted not less than twenty days prior to the time set for the hearing. The said clerk shall receive as compensation for such services, \$1.00 for each such notice and five cents per mile for each mile necessarily traveled in posting such notices.

In the event the boundaries of the proposed district shall include a city or cities, or a part or parts thereof, acting under special charter granted by the Legislature, the hearing of said petition hereinafter provided for, shall be had before the county judge and members of the commissioners court and the mayor and aldermen or commissioners, as the case may be, of said city or cities, and said persons shall constitute a board to be known and designated as the naviga-

tion board, to pass upon the petition aforesaid, each individual member of the said board shall be entitled to a vote, a majority in number of the individuals composing said board shall constitute a quorum and the action of a majority of the quorum shall control.

In the event the hearing of said petition shall be had before the navigation board, the commissioners court of said county shall set the petition down for hearing not less than thirty, nor more than sixty days from the date of the presentation of said petition without reference to any term of the commissioners court, but said hearing shall be held at the regular place of meeting of the commissioners court and notice shall be given of the hearing in the manner and for the time as hereinbefore provided.

The county clerk shall enter and record the proceedings of the navigation board in a record book kept for this purpose, which record shall be a public archive.

The duties and powers herein conferred upon the county judge and members of the commissioners court and upon the mayor and aldermen or commissioners of cities and upon the county clerk other officers are made a part of the legal duty of said officials which they shall render and perform without additional compensation, unless otherwise provided herein.

Sec. 3. Upon the day set by said county commissioners for the hearing of said petition, any person who has taxable property within the proposed district, or who may be affected thereby, may appear before the said court or navigation board, as the case may be, and contest the creation of said district, or contend for the creation of said district, and may offer testimony in favor of or against the boundaries of the said district, to show that the proposed improvement or improvements would or would not be of any public utility, and would or would not be feasible or practicable, and the probable cost of such improvement or improvements, or as to any other matter pertaining to the proposed district. Said county commissioners court or navigation board shall have exclusive jurisdiction to hear and determine all contests and objections to the creation of such districts, and all matters pertaining to the creation and establishment of the same, and shall have exclusive jurisdiction in all subsequent proceedings of the district when organized, except as hereinafter provided, and may

adjourn hearing on any matter connected therewith from day to day, and all judgments or decisions rendered by said court or navigation board in relation thereto shall be final, except as herein otherwise provided.

Sec. 4. If at the hearing of said petition it shall appear to the commissioners court or navigation board, as the case may be, that the proposed improvement is feasible and practicable, that it would be a public benefit and a public utility, and if the court or navigation board, as the case may be, shall approve the boundaries of the proposed district as set out in said petition, then the court or navigation board shall so find and shall also find the amount of money necessary for said improvement or improvements and for all expenses incident thereto, and shall determine whether to issue bonds for said full amount or in the first instance for a less amount, and shall specify the amount of bonds to issue, the length of time the bonds shall run and the rate of interest said bonds shall bear and cause its findings to be recorded in the records of the commissioners court or minutes of the navigation board, as the case may be. If the court or navigation board shall find that the proposed improvement is feasible and practicable, that it would be a public benefit and a public utility, but does not approve the boundaries of the proposed districts as set forth in the petition, the court or navigation board shall so find and shall also find the amount of money necessary for said improvement, or improvements, and for all expenses incident thereto, and shall determine whether to issue bonds for said full amount or in the first instance for a less amount and shall specify the amount of bonds to issue, the length of time the bonds shall run and the rate of interest said bonds shall bear and cause its findings to be entered of record, together with a map thereof. Providing, however, that before any change is made by said court or navigation board, as the case may be, of the boundaries, notice and a hearing thereof shall be given and had as provided for in Section 2 of this act. If the court or navigation board shall find that the proposed improvement is not feasible or practicable, or that it would not be a public benefit or public utility, and that the establishment of such navigation district is therefore unnecessary, then the court or navigation board shall enter such findings of record and dismiss the petition at the cost of petitioners, but the order

dismissing said petition shall not prevent or conclude the presentation at a later date of a similar petition.

Sec. 5. After the hearing upon the petition, as herein provided, if the court or navigation board, as the case may be, shall find in favor of the petitioners, for the establishment of a navigation district according to the boundaries as set out in said petition, or as changed or modified as above provided by the said court or navigation board, the commissioners court of said county shall order an election in which order provision shall be made for submitting to the qualified property taxpaying voters resident in said district whether or not such navigation district shall be created and whether or not a tax shall be levied sufficient to pay the interest and provide a sinking fund sufficient to redeem said bonds at maturity, said order specifying the amount of bonds to be issued, together with the length of time the bonds shall run and the rate of interest said bonds shall bear as said matters have been determined by the commissioners court or navigation board, as the case may be, under the provisions of Section 4 of this act. Said election to be held within such proposed navigation district at the earliest legal time, at which election there shall be submitted the following propositions, and none other: "For the navigation district and issuance of bonds and levy of tax in payment thereof." "Against the navigation district and issuance of bonds and levy of tax in payment thereof." Provided, that said bonds shall not exceed in amount one-fourth of the assessed valuation of the real property of such district as made by the last annual assessment thereof for State and county taxation.

Sec. 6. Notice of such election stating the time and place of holding the same, shall be given by the clerk of the county court by posting notices thereof in four public places in such proposed navigation district and one at the courthouse door of the county in which such district is situated, for thirty days prior to the date set for the election. Such notices shall contain the proposition to be voted upon as set forth in Section 5 of this act, and shall also specify the purpose for which said bonds are to be issued, and the amount of said bonds, and shall contain a copy of the order of the court ordering the election.

Sec. 7. The manner of conducting said election shall be governed by the election laws of the State of Texas, except as herein otherwise provided. None

but resident property taxpayers who are qualified voters of said proposed district shall be entitled to vote at any election on any question submitted to the voters thereof by the county commissioners court at such election. The county commissioners court shall create and define by an order of the court the voting precincts in the proposed navigation district and shall name a polling place or places within said precincts taking into consideration the convenience of the voters in the proposed navigation district, and shall also select and appoint the judges and other necessary officers of the election, and shall provide one and one-half times as many ballots as there are qualified resident property taxpaying voters within such navigation district. Said ballot shall have printed thereon the words, and none others: "For the navigation district, and issuance of bonds and levy of tax in payment thereof." "Against the navigation district, and issuance of bonds and levy of tax in payment thereof."

Sec. 8. Every person who offers to vote in any election held under the provisions of this act shall first take the following oath before the presiding judge of the polling place wherein he offers to vote, and the presiding judge is hereby authorized to administer same: "I do solemnly swear (or affirm) that I am a qualified voter of ..... county, and that I am a resident property taxpayer of the proposed navigation district voted on at this election, and I have not voted before at this election."

Sec. 9. Immediately after the election the presiding judge at each polling place shall make return of the result in the same manner as provided for in election for State and county officers and return the ballot boxes to the county clerk, who shall keep same in a safe place and deliver them, together with the returns from the several polling places, to the commissioners court at its next regular session or special session called for the purpose of canvassing the vote, and the county commissioners shall at such session canvass the vote, and if it be found that a two-thirds majority of those voting at such election shall have been cast in favor of the navigation districts, and the issuance of bonds and levy of tax, then the court shall declare the result of said election to be in favor of said navigation district, and shall enter same in the minutes of the court, as follows:

"Commissioners court of.....

county, Texas, ..... term, A. D. ...., in the matter of petition of ..... and ..... others, praying for the establishment of a navigation district, and issuance of bonds and levy of taxes in said petition fully described and designated by the name of ..... navigation district ..... Be it known that at an election called for that purpose in said district, held on the ..... day of ..... A. D. ...., a two-thirds majority of the resident property taxpayers voting thereon voted in favor of the creation of said navigation district, and the issuance of bonds and the levy of a tax. Now, therefore, it is considered and ordered by the court that said navigation district be, and the same is hereby established by the name of ..... navigation district, and that the bonds of said district in the amount of ..... dollars be issued and a tax of ..... cents on the hundred dollars of valuation or so much thereof as may be necessary, be levied upon all property within said navigation district, whether real, personal, mixed or otherwise, sufficient in amount to pay the interest on such bonds, and provide a sinking fund sufficient to redeem them at maturity, and that if said tax shall at any time become insufficient for such purposes, same shall be increased until same is sufficient. The metes and bounds of said district being as follows, to wit."

Sec. 10. After the establishment of any navigation district as herein provided, the commissioners court or navigation board, as the case may be, shall appoint three navigation and canal commissioners, all of whom shall be residents of the proposed navigation district, who shall be freehold property taxpayers and legal voters of the county, whose duties shall be as hereinafter provided, and who shall each receive for their services such compensation as may be fixed by the commissioners court and made of record. Said navigation and canal commissioners shall hold office for the term of two years and until their successors have qualified unless sooner removed by a majority vote of the county commissioners or navigation board, as the case may be, for malfeasance or non-feasance in office. Upon the expiration of the term of office of said navigation and canal commissioners the commissioners court or navigation board, as the case may be, shall appoint their successors by a majority vote. Should any vacancy occur through the death or resignation, or otherwise, of any commissioner, the same shall be filled by



the commissioners court or the navigation board, as the case may be.

Sec. 11. Before entering upon their duties all navigation and canal commissioners shall take and subscribe before the county judge an oath to faithfully discharge the duties of their office without favor or partiality, and to render a true account of their doings to the court or navigation board by which they are appointed whenever required to do so, which oath shall be filed by the county clerk and preserved as a part of the records of said navigation district.

Sec. 12. Before entering upon their duties each of the navigation and canal commissioners shall make and enter into a good and sufficient bond in the sum of \$1000, payable to the county judge, for the use and benefit of said navigation district and conditioned upon the faithful performance of their duties.

Sec. 13. The navigation and canal commissioners shall organize by electing one of their number chairman and one secretary and two of the commissioners shall constitute a quorum and a concurrence of two shall be sufficient in all matters pertaining to the business of said district.

Sec. 14. The navigation and canal commissioners shall have authority to employ a competent engineer, whose term of office shall be at the will of the navigation and canal commissioners, and who shall receive such compensation as may be determined by the navigation and canal commissioners. It shall be the duty of the engineer to make all necessary surveys, examinations, investigations, maps, plans and drawings with reference to the proposed improvements; he shall make estimate or estimates of the cost of same; shall supervise the work of improvement and shall do and perform all such duties as may be required of him by the navigation and canal commissioners. Provided, that if the river, creek, stream, bay, canal or waterway to be improved is navigable or the improvement proposed be of such nature as requires the permission or consent of the government of the United States or any department or officer of the government of the United States, the navigation and canal commissioners shall be authorized to obtain the required permission or consent of the government of the United States or any proper officer or department thereof; and in lieu of the employment of an engineer as herein provided or in addition thereto, the navigation and canal commissioners shall

have power to adopt any survey of the river, creek, canal, stream, bay or waterway theretofore made by the government of the United States or any department thereof, and to arrange for surveys, examinations and investigations of the proposed improvement, and for supervision of the work of improvement by the government of the United States or the proper department or officer thereof; provided, that said navigation and canal commissioners shall have full power and authority to co-operate and act with the government of the United States or any officer or department thereof, in any and all matters pertaining to or relating to the construction and maintenance of said canals, and the improvement and navigation of all such navigable rivers, bays, creeks, streams, canals and waterways, whether by survey, work or expenditure of money made or to be made, either by said navigation and canal commissioners or by said government of the United States or any proper officer or department thereof, or by both, and to the end that the said government of the United States may aid in all such matters, the said commissioners shall have authority to agree and consent to the said government of the United States entering upon and taking management and control of said work, in so far as it may be necessary or permissible under the laws of the United States and the regulations and orders of any department thereof.

Sec. 15. When the said navigation and canal commissioners shall have determined the cost of the proposed improvement or improvements, all of the expenses incident thereto and cost of maintenance thereof, the said navigation and canal commissioners shall certify to the commissioners court of the county in which such district is situated, the amount of bonds necessary to be issued, and thereupon the said court at a regular or special meeting shall make an order directing the issuance of navigation bonds for such navigation districts in the amount so certified; provided, that the amount of bonds shall not exceed the amount authorized by the election therefore held. In the event the proceeds of bonds issued by such navigation district should be insufficient to complete the proposed improvement or construction, or in the event the navigation and canal commissioners shall determine to make other and further construction or improvements or shall require additional funds with which to maintain the improvements made, they shall certify to the

commissioners court of the county in which such district is situated the necessity for an additional bond issue, stating the amount required and the purpose of the same; the rate of interest of said bonds and the time for which they are to run, whereupon the commissioners court shall issue such bonds unless the amount previously authorized shall have been exhausted, in which case the commissioners court shall order an election on the issuance of said bonds, to be held within such navigation district at the earliest possible legal time, and in the manner hereinbefore provided for the original issue of bonds, at which election there shall be submitted the following propositions, and none other: "For the issuance of bonds and levy of tax in payment thereof." "Against the issuance of bonds and levy of tax in payment thereof." Notices of such election shall be given as provided in Section 6 of this act, and the election shall be held and conducted in the manner provided in Sections 7 and 8 of this act. Only those who are qualified property taxpaying voters as provided in this act shall vote at such election, and the returns of such election shall be canvassed as provided in Section 9 of this act.

Sec. 15a. If, upon a canvass of the vote, the commissioners court shall determine that a two-thirds majority of the votes cast at said election shall have been cast in favor of the issuance of bonds and levy of tax, the said court shall make an order directing the issuance of said bonds and levy of tax; provided, however, that the outstanding bonds and the additional bonds so ordered shall not exceed in amount one-fourth of the assessed value of the real property in such district as shown by the last annual assessment thereof made for State and county taxation.

Sec. 16. All bonds issued under the provisions of this act shall be issued in the name of the navigation district, signed by the county judge and attested by the clerk of the county court, with the seal of the commissioners court affixed thereto, and such bonds shall be issued in denominations of not less than \$100 nor more than \$1000 each, and such bonds shall bear interest at a rate not to exceed 5 per cent per annum. Such bonds and interest shall by their terms be made payable at the county treasurer's office of the county in which such navigation district is located, or elsewhere as may be fixed by said navigation and canal commissioners, and no

bonds shall be made payable more than forty years after date.

Sec. 17. Any navigation district in the State of Texas desiring to issue bonds in accordance with this act shall, before such bonds are offered for sale, forward to the Attorney General a copy of the bonds to be issued, a certified copy of the order of the commissioners court levying the tax, copy of the order of the commissioners court levying the tax to pay interest, and provide a sinking fund, and a statement of the total bonded indebtedness of such navigation district as such including the series of bonds proposed and the assessed value of property for the purpose of taxation, as shown by the last official assessment by the county, together with such other information as the Attorney General may require, whereupon it shall be the duty of the Attorney General to carefully examine said bonds in connection with the facts and the Constitution and laws on the subject of the execution of such bonds, and if, as the result of such examination the Attorney General shall find that such bonds were issued in conformity with the Constitution and laws, and that they are valid and binding obligations upon such navigation district by which they are issued, he shall so officially certify.

Sec. 18. When said bonds have been examined by the Attorney General and his certificate issued to that effect they shall be registered by the State Comptroller in a book to be kept for that purpose, and the certificate of the Attorney General to the validity of such bonds shall be preserved of record for use in the event of litigation. Such bonds, after being approved by the Attorney General, and after having been registered in the Comptroller's office as herein provided, shall thereafter be held in every action, suit or proceeding in which their validity is or may be brought in question, prima facie, valid and binding obligations. And in every action brought to enforce collection of said bonds or interest thereon, the certificate of the Attorney General or a duly certified copy thereof shall be admitted and received as prima facie evidence of the validity of such bonds, together with the coupons thereto attached; provided, that the only defense that can be offered against the validity of said bonds, or coupons shall be forgery or fraud. But this article shall not be construed to give validity to any such bonds or coupons as may be issued in excess of the limit fixed by the Constitution, or contrary to its provisions,

but all such bonds shall, to the extent of such excess, be held void.

Sec. 19. Before issuing any bonds under the provisions of this act, the county commissioners court shall provide a well-bound book, in which a record shall be kept by the county clerk of all bonds issued, with their numbers, amount, rate of interest and date of issue, when due, where payable and amount received for the same, and the annual rate per cent assessment made each year to pay the interest on said bonds, and provide a sinking fund for their payment. And said book shall at all times be open to the inspection of all parties interested in said district, either as taxpayers or bondholders, or otherwise, and upon the payment of any bond an entry thereof shall be made in said book. The county clerk shall receive for his services in recording all bonds and other instruments of the navigation district the same fees as provided by law for other like records.

Sec. 20. When such bonds have been registered, as provided for in the preceding section of this act, the chairman of the navigation and canal commissioners shall offer for sale and sell said bonds on the best terms and for the best price possible, but none of said bonds shall be sold for less than the face par value thereof and accrued interest thereon, and as fast as said bonds are sold, all moneys received therefor shall be paid to the county treasurer, and shall by him be placed to the credit of such navigation district.

Sec. 21. Before the said chairman of the navigation and canal commissioners shall be authorized to sell any of the navigation bonds he shall execute a good and sufficient bond, payable to the county judge or his successors in office, to be approved by the county commissioners court of said county for an amount not less than the amount of the bonds issued, conditioned upon the faithful discharge of his duties.

Sec. 22. All expenses of any kind, after the filing of the original petition, necessarily incurred in connection with the creation, establishment and maintenance of any navigation district organized under the provisions of this act shall be paid out of the "Construction and Maintenance Fund" of such navigation district, which fund shall consist of all moneys received from the sale of bonds and all other amounts received by said district from whatever source, except the tax collections applied to the sinking fund and payment of interest on the navigation

bonds. Provided, that should the proposition of the creation of such navigation district and issuance of bonds be defeated at the election called to vote upon same, then all expenses up to and including said election shall be paid in the following manner: When the original petition praying for the establishment of a navigation district is filed with the county commissioners court, it shall be accompanied by \$500 in cash, which shall be deposited with the clerk of said county commissioners court and by him held until after the result of the election for the creation of said navigation district has been declared and entered of record by the commissioners court, as hereinbefore provided, and should the result of said election be in favor of the establishment of said district, then the said \$500 shall be by said clerk returned to the signers of said original petition, or their agent or attorney; but should the result of said election be against the establishment of said district, then the said clerk shall pay out of the said \$500, upon vouchers signed by the county judge, all costs and expenses pertaining to the said proposed district up to and including the said election, and shall return the balance, if any, of said \$500 to the signers of said original petition, or their agent or attorney.

Sec. 23. Whenever any such navigation district bonds shall have been voted the commissioners court shall levy and cause to be assessed and collected improvement taxes upon all property within said navigation district, whether real, personal, mixed or otherwise, and sufficient in amount to pay the interest on such bonds, together with an additional amount to be annually placed in a sinking fund sufficient to discharge and redeem said bonds at their maturity.

If advisable, the sinking fund shall from time to time be invested by the commissioners court of the county in such county, municipal, district or other bonds as shall be approved by the Attorney General of the State.

Sec. 24. The county commissioners court shall provide all necessary additional books for the use of the assessor and collector of taxes and the county clerk for such navigation district, and charge of the cost of same to the said navigation district. It shall be the duty of the county tax assessor, when ordered to do so by the commissioners court, to assess all property within such navigation district and list the same for taxation in the books or rolls furnished him

by said commissioners court for that purpose, and return said books or rolls at the same time when he returns other books or rolls of the State and county taxes for correction and approval; and if the said commissioners court shall find said books or rolls correct, they shall approve the same, and in all matters pertaining to the assessment of property for taxation in said districts the tax assessor and board of equalization of the county in which said district is located shall be authorized to act and shall be governed by the laws of Texas for assessing and equalizing property for State and county taxes, except as herein provided. All taxes authorized to be levied by this act shall be a lien upon the property upon which said taxes are assessed, and said taxes may be paid and shall mature and be paid at the time provided by the laws of this State for the payment of State and county taxes, and all the penalties provided by the laws of this State for the non-payment of State and county taxes shall apply to all taxes authorized to be levied by this act. The tax assessor shall receive for said services such compensation as the said navigation and canal commissioners shall deem proper, provided that said county assessor shall in no event be allowed more than he is now allowed by law for the like services. Should the tax assessor fail or refuse to comply with the orders of the commissioners court requiring him to assess and list for taxation all the property in such navigation districts as herein provided, he shall be suspended from the further discharge of his duties by the commissioners court of his county, and he shall be removed from office in the mode prescribed by law for the removal of county officers.

Sec. 25. The tax collector of the county shall be charged by the county commissioners court with the assessment rolls of the navigation district, and he shall be allowed no more compensation for the collection of said taxes than he is now allowed for the collection of other taxes, same to be fixed by the navigation and canal commissioners. The county commissioners court shall require the tax collector of the county to give an additional bond or security in such a sum as they may deem proper and safe to secure the collection of said taxes, and in all matters pertaining to the collection of taxes levied under the provisions of this act the tax collector shall be authorized to act and shall be governed by the laws of Texas for the col-

lection of State and county taxes except as herein provided, and suits may be brought for the collection of said taxes and the enforcement of the tax liens created by this act. Should any collector of taxes fail or refuse to give such additional bond or security as herein provided when requested by the commissioners court, within the time prescribed by law for such purposes, he shall be suspended from office by the commissioners court of his county, and immediately thereafter be removed from office in the mode prescribed by law.

Sec. 26. It shall be the duty of the tax collector to make a certified list of all delinquent property upon which the navigation tax has not been paid and return the same to the county commissioners court, which shall proceed to have the same collected by the sale of such delinquent property in the same manner both by suit and otherwise as is now provided for the sale of property for the collection of State and county taxes, and at the sale of any property for any delinquent tax the navigation and canal commissioners may become the purchasers of the same for the benefit of the navigation district.

Sec. 27. It shall be the duty of the county treasurer to open an account with the navigation district and to keep an accurate account of all moneys received by him belonging to such district and of all amounts paid out by him. He shall pay out no money except upon a voucher signed by the chairman or any two of the said navigation and canal commissioners, and he shall carefully preserve on file all orders for the payment of money, and as often as required by the said navigation and canal commissioners or the county commissioners court he shall render a correct account to them of all matters pertaining to the financial condition of such district.

Sec. 28. The county treasurer shall execute a good and sufficient bond, payable to the navigation and canal commissioners of such district, in a sum equal to twice the amount of bonds issued, conditioned for the faithful performance of his duty as treasurer of such district, which bond shall be approved by said navigation and canal commissioners, and the treasurer shall be allowed such compensation for his services as such treasurer as may be determined by the navigation and canal commissioners, not exceeding the same per cent as is now allowed by the county for his services as county treasurer.

Sec. 29. The right of eminent domain

is hereby conferred upon all navigation districts established under the provisions of this act for the purpose of condemning and acquiring the right of way over and through any and all lands, private or public, except property used for cemetery purposes, necessary for the improvement of any river, bay, creek or stream, and the construction and maintenance of any canal or waterway, and for any and all purposes authorized by this act. All such condemnation proceedings shall be instituted under the direction of the navigation and canal commissioners and in the name of the navigation district, and the assessing of damages shall be in conformity to the statutes of the State of Texas for condemning and acquiring the right of way by railroads; provided, that no appeal from the finding and assessment of damage by the commissioners appointed for that purpose shall have the effect of causing a suspension of work by the navigation commissioners in prosecuting the work of improvement in all of its details; provided, that no right of way can be condemned through any part of an incorporated city or town without the consent of the lawful authorities of such city or town.

Sec. 30. The navigation and canal commissioners of any district are hereby empowered to acquire the necessary right of way and property of any kind for all necessary improvements contemplated by this act, by gift, grant, purchase or condemnation proceedings.

Sec. 31. The navigation and canal commissioners of any district and the engineers from the time of their appointment are hereby authorized to go upon any lands lying within said district for the purpose of examining the same, making plans, surveys, maps and profiles, together with all necessary teams, help, tools and instruments, without subjecting themselves to action or trespass, and any person who shall wilfully prevent or prohibit any such officer from entering any land for such purposes shall be guilty of a misdemeanor and upon conviction may be fined in any sum not exceeding \$25 for each day he shall so prevent or hinder such officer from entering upon any land, and any justice of the peace in the county shall have jurisdiction of all such offenses.

Sec. 32. If the improvement or improvements be not carried out and performed by the government of the United States as herein provided, the contract or contracts for such improvement or improvements shall be let by the naviga-

tion and canal commissioners and the same shall be awarded to the lowest and best responsible bidders, after giving notice by advertising the same in one or more newspapers of general circulation in the State of Texas once a week for four consecutive weeks and by posting notices for at least thirty days in five public places in the county, one of which shall be at the court house door, and at least two of which shall be within said navigation district. Nothing herein contained shall prevent the making of more than one improvement, and where more than one improvement is to be made the contract may be let separately for each or one contract for all such improvements.

Sec. 33. Any person, corporation or firm desiring to bid on the construction of any work advertised for as provided under the preceding section of this act, shall upon application to the navigation and canal commissioners be furnished the survey, plans and estimates for the said work, and all bids or offers for any of such work shall be in writing and sealed and delivered to the chairman of the navigation and canal commissioners together with a certified check for at least 5 per cent of the total amount bid, which shall be forfeited to the district in case the bidder refuses to enter into a proper contract if his bid is accepted. Any and all bids may be rejected at the discretion of the navigation and canal commissioners.

Sec. 34. All contracts made by the navigation and canal commissioners shall be reduced to writing and signed by the contractors and navigation and canal commissioners or any two of said commissioners and a copy of same filed with the county clerk for reference.

Sec. 35. The party, firm or corporation to whom any such contract is let shall give bond, payable to the navigation and canal commissioners for said district, in twice the amount of the contract price conditioned that he, they or it will faithfully perform the obligations, agreements and covenants of their contract, and that in default thereof, will pay to said district all damages sustained by reason thereof. Said bond shall be approved by such navigation and canal commissioners.

Sec. 36. All work contracted for by the navigation and canal commissioners, unless done under the supervision of the government of the United States, or the proper department officer thereof, shall be done under the supervision of the engineer, and when the work is com-

pleted according to contract the engineer shall make a detailed report of the same to the navigation and canal commissioners, showing whether the contract has been fully complied with, according to its terms, and if not in what particular it has not been so complied with.

Sec. 37. The navigation and canal commissioners shall have the right, and it is hereby made their duty during the progress of the work being done under contract to inspect the same; and upon the completion of any contract, they shall draw a warrant on the county treasurer for the amount of the contract price in favor of the contractor or his assignee, which warrant shall be paid out of the construction and maintenance fund of such district; provided, that if the navigation and canal commissioners shall deem it advisable they may contract for the work to be paid for in partial payments as the work progresses, but such partial payments shall not exceed in the aggregate 80 per cent of the total amount to be paid under the contract, the amount of work completed to be shown by a certificate of the engineer; and provided further, that nothing in this section shall affect the provisions of this act, providing for the carrying out and performing of the improvement or improvements by the government of the United States.

Sec. 38. The navigation and canal commissioners shall make an annual report of their acts and doings as such commissioners and file the same with the clerk of the county court on or before the first day of January each year, which report shall show in detail the kind, character and amount of work done in the district, the cost of same and the amount paid out on order, for what purpose paid and other data necessary to show the condition of improvements made under the provisions of this act.

Sec. 39. The navigation and canal commissioners are hereby authorized and empowered to employ such assistant engineers and other employes as may be necessary, paying such compensation as they may determine, and the said commissioners are authorized to employ counsel to represent such district in the preparation of any contract or the conducting of any proceedings in or out of court, and to be the legal advisor of the navigation and canal commissioners on such terms and for such fees as may be agreed upon by them, and such commissioner shall have the au-

thority to draw warrant or warrants in payment of such legal services and for the salary of the engineer, his assistant or any other employes and for all expense incident and pertaining to the navigation district.

Sec. 40. Neither the county judge nor any county commissioner, nor member of the navigation board, nor the navigation and canal commissioners or engineers shall be directly or indirectly interested for themselves or as agents for any one else in the contract for the construction of any work to be performed by such navigation district, and if said officers or either of them shall, directly or indirectly, become interested in any contract for such work, or in any fee paid by such navigation district whereby he or others shall receive any money consideration or other thing of value, except in payment of services as in this act provided, he shall be guilty of a misdemeanor, and on conviction thereof shall be punished by imprisonment in the county jail for not less than six months nor more than one year.

Sec. 41. All navigation districts established under this act may, by and through the navigation and canal commissioners, sue and be sued in all courts of this State in the name of such navigation district, and all courts of this State shall take judicial notice of the establishment of all such districts.

Sec. 43. All laws and parts of laws in conflict herewith are hereby repealed.

Sec. 44. The fact that many counties and districts of Texas are anxious to organize navigation districts for the improvement of rivers, creeks, bays and streams, and the construction and maintenance of canals and waterways and there is now no law under which such districts can be properly formed, constitutes an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and also that this act take effect from and after its passage, and it is so enacted.

Committee Room,

Austin, Texas, February 17, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 89, and find it correctly enrolled, and have this day, at 3:30 o'clock p. m., presented same to the Governor for his approval.

TERRELL of McLennan,  
Chairman.

Following is the enrolled bill in full:

An Act to amend Sections Nos. 2, 11, 12, 13, 16, 17, 22, 23, 29, 30, 35, 41 and 44 of Chapter 40 of the General Laws of the State of Texas, passed at the Regular Session of the Thirtieth Legislature of Texas, entitled 'An Act to authorize the commissioners courts of the several counties of Texas to create and establish drainage districts, to construct canals, drains and ditches, to make levees, improve streams and water courses and make other improvements for the purpose of drainage; to order and hold elections for the purpose of voting on drainage propositions, and authorizing the issuance of bonds and levy of tax, and to issue bonds in payment for such drainage improvements and the maintenance thereof, and to levy and collect taxes for the payment of such bonds, to appoint drainage commissioners and all other necessary officers of such drainage districts for the purpose of carrying into effect the provisions of this act; granting the right of eminent domain to such drainage districts, and authorizing the drainage commissioners to acquire by purchase, gift or grant, for such district, title to any right of way and other property, and generally authorizing the county commissioners court and the drainage commissioners to do all things necessary for the establishing and maintenance of such districts according to the provisions of this act; repealing all laws and parts of laws in conflict herewith, and declaring an emergency; validating certain proceedings had and bonds heretofore issued and registered, providing for additional elections and issuance of bonds, elections of drainage district commissioners, fixing a tax lien and penalty, repealing all laws in conflict herewith, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Sections Nos. 2, 11, 12, 13, 16, 17, 22, 23, 29, 30, 35, 41 and 44 of Chapter 40 of the General Laws of Texas, enacted by the Thirtieth Legislature of the State of Texas, being an act entitled "An Act to authorize the commissioners courts of the several counties of Texas to create and establish drainage districts, to construct canals, drains and ditches, to make levees, improve streams and water courses and make other improvements for the purpose of drainage; to order and hold elec-

tions for the purpose of voting on drainage propositions, and authorizing the issuance of bonds and levy of tax, and to issue bonds in payment for such drainage improvements and the maintenance thereof, and to levy and to collect taxes for the payment of such bonds, to appoint drainage commissioners and all other necessary officers of such drainage district for the purpose of carrying into effect the provisions of this act; granting the right of eminent domain to such drainage districts, and authorizing the drainage commissioners to acquire by purchase, gift or grant, for such district, title to any right of way and other property, and generally authorizing the county commissioners court and the drainage commissioners to do all things necessary for the establishing and maintenance of such districts according to the provisions of this act; repealing all laws or parts of laws in conflict herewith, and declaring an emergency," be and the same are hereby amended so as to read as follows, to-wit:

Sec. 2. Upon the presentation to the county commissioners court of any county in this State of a petition (accompanied by the deposit provided for in Section 29 of this act), signed by twenty-five of the freehold resident taxpayers, or in the event there are less than seventy-five freehold resident citizen taxpayers in the proposed district, then by one-third of such freehold resident citizen taxpayers of any proposed drainage district, whose lands may be affected thereby, praying for the establishing of a drainage district, and setting forth the necessity, public utility and feasibility and proposed boundaries thereof, and designating a name for such drainage district, which name shall include the name of the county, the said commissioners court shall, at the same session when said petition is presented, set said petition down for hearing at some regular or special session of said court, called for the purpose, not less than thirty nor more than sixty days from the presentation of said petition, and shall order the clerk of said court to give notice of the date and place of said hearing by posting a copy of said petition, and the order of the court thereon, in five public places in said county, one of which shall be at the courthouse door of said county, and four of which shall be within the limits of said proposed drainage district. The said clerk shall receive as compensation for such service \$1.00 for each such notice and 5 cents per mile for each mile necessarily traveled in posting such notices.



Such notices shall be posted for twenty days prior to the date of said public hearing. Provided, however, that in all cases wherein drainage districts have heretofore been established, or wherein a hearing has been heretofore had on the petition and action thereon has been taken by the county commissioners court, or wherein a public hearing is now pending upon a petition for a drainage district, and the notices thereof and therefor have been so posted for twenty days, in either or all of such cases, the notices for such public hearing as well as the notices for the hearing upon the engineer's report provided for in Section 10 of this law, shall be and they are hereby held, deemed and declared to be and to have been due and legal and valid notices of such public hearing or hearings under the full meaning, intent and purpose of this law.

Sec. 11. If there should be no objection to said report, or if there should be objection thereto, and the court should find that the objections are not well taken, the report shall be approved, and the fact of such approval entered of record on the minutes of said court; but the commissioners court shall not be confined to the number of drains, ditches, canals or levees or to the initial point or outlets of same, as located and shown by said report of the engineer, and may change the location of any of said improvements, or may add to the number of same or reduce the number of same, and order the engineer to locate any additional canals, drains, ditches or levees, which levees may be constructed for the purpose of conducting waters from the lands of said district, or to prevent the overflow of waters from streams or otherwise onto the lands of said district proposed to be drained, or otherwise in aid of said purpose, as directed by the court, and the commissioners court, if it deem it necessary, may refer the entire report back to the engineer for a compliance with the orders of the court and require a further report, provided, that the notices shall be given as provided in Section 10 of this law, and shall state that the public hearing shall be upon such report of the engineer and also upon any changes or modifications that may be made by the county commissioners court. Provided, further, that in all such public hearing heretofore had under said Sections 10 and 11 of this law, wherein twenty days or more notice was given, such notices and hearing shall be, and the same are hereby held, deemed and declared to be and to have been legal,

regular and valid notices and hearings in all respects under the full intent, meaning and purpose of this law.

Sec. 12. After the approval of the report of the engineer as presented, or as modified by the county commissioners court, as provided for in the preceding section of this act, the county commissioners court shall order an election to be held within such proposed drainage district at the earliest possible legal time, at which election there shall be submitted the following propositions, and none other: "For the drainage district and the issuance of bonds and levy of tax in payment therefor." "Against the drainage district and the issuance of bonds and levy of tax in payment therefor."

Sec. 13. Notice of such election, reciting the establishment of the drainage district, stating the amount of bonds, which shall not exceed the engineer's estimate and the cost of any additional work which may become necessary by any change or modification made by the commissioners court, as provided for in Section 11 of this act, stating the time and place or places of holding the election, shall be given by the county clerk by posting notices thereof in four public places in such proposed drainage district and one at the courthouse door of the county in which such district is situated. Such notices shall be posted for twenty days previous to the date of the election, and shall contain the proposition to be voted upon as set forth in Section 12 of this act, and shall also specify the purposes for which said bonds are to be issued. Provided, that the said notices of election in all drainage districts wherein such elections have heretofore been held or are now pending, and wherein twenty days' notice was had, shall be and the same are hereby held, deemed and declared to be and to have been legal and valid notices of such elections, under the full meaning, intent and purpose of this law.

Sec. 16. Immediately after the election the presiding judge at each polling place shall make return of the result in the same manner as provided for in general elections for State and county officers, and return the ballot boxes to the county clerk, who shall keep same in a safe place and deliver them, together with the returns from the several polling places to the commissioners court at its next regular session or special session called for the purpose of canvassing the vote, and the



county commissioners court shall at such session canvass the vote, and if it be found that two-thirds majority of the resident property taxpayers voting thereon, shall have been cast in favor of the drainage district and the issuance of bonds and levy of tax, then the court shall declare the result of said election to be in favor of said drainage district, the levy of tax, issuance of bonds, and shall enter the same in the minutes of the court substantially as follows:

"In the matter of the petition of—  
\_\_\_\_\_ and \_\_\_\_\_ others,  
praying for the establishment of a drainage district in said petition described and designated as \_\_\_\_\_  
county drainage district No. \_\_\_\_\_  
be it known that an election called for that purpose in said district held on the \_\_\_\_\_ day of \_\_\_\_\_ A. D. 19\_\_\_\_, a two-thirds majority of the resident property taxpayers voting thereon, voted in favor of the creation of said drainage district, and the issuance of bonds and the levy of a tax. Now, therefore, it is considered and ordered by the court that said drainage district be, and the same is hereby established by the name of \_\_\_\_\_ county drainage district No. \_\_\_\_\_, within the following metes and bounds," which field notes shall be copied into the record.

All drainage districts hereafter created shall bear the name of the county in which they may be located, as a part of their names, and shall be numbered consecutively as created and established by order of the commissioners court. Provided, however, that all districts heretofore established and otherwise named, but which have not, so far, issued bonds, may by an order of the county commissioners court of such county, have such district or districts renamed and numbered in accordance with the requirements of this act.

Sec. 17. After the establishment of any drainage district as herein provided, the commissioners court shall appoint three drainage commissioners, all of whom shall be residents of the proposed drainage district, who shall be freehold taxpayers and legal voters of the county, and shall have resided in such county for at least three years, whose duty shall be as hereinafter provided, and who shall each receive for their services a sum of not more than two dollars and fifty cents (\$2.50) per day for the time actually engaged in the work of said district; provided, the

compensation (if any) shall have been definitely fixed in the order of the court; and before any amount shall be paid said commissioners, or either of them, they shall make a detailed report to the commissioners court of the time actually consumed in the work for said district, and of the work done, and such report shall be audited and approved by the commissioners court. Said drainage commissioners shall hold office for the term of two years, and until their successors have qualified, unless sooner removed by a majority vote of the county commissioners for malfeasance or nonfeasance in office. Upon expiration of the term of office of said drainage commissioners, or in case of the resignation of any such commissioners, the commissioners court shall appoint their successor by a majority vote; provided, that after the election establishing a drainage district if a majority of the real property taxpayers of such district residing in such county present a petition to the county commissioners court, praying for an election in said district for the purpose of electing three drainage commissioners therefor, the county commissioners court shall immediately order an election to be held in said district for said purpose at the earliest legal time, and an election shall be held and the returns thereof made as hereinbefore provided for other elections, and the same qualifications hereinbefore provided for voting at other elections shall apply in said election. The commissioners court shall canvass said returns and declare the result at their next regular special session; and the three persons receiving the highest number of votes shall be declared elected. In the event the third highest vote be tied, the commissioners court shall elect the third drainage commissioner from among those receiving the third highest vote.

Provided further, that in districts wherein drainage commissioners have been heretofore appointed whenever a majority of the real property taxpaying voters of such district shall file a petition with the county clerk of the county in which such district is situated requesting an election for drainage commissioners, the commissioners court shall at its next session, regular or special, order an election to be held in said district for said purpose in accordance with the provisions of this act.

Such commissioners so elected when duly qualified as required by this act, shall be the legal and rightful drainage commissioners for such district

within the full meaning, intent and purpose of this law. All drainage district commissioners elected as herein provided shall hold their offices until the next regular election for State and county officers, and shall then and thereafter be elected every two years at such general election.

Sec. 22. After the establishment of any such drainage district, and after the making and filing of such maps, profiles and estimates, as provided for in Section 21 of this act, the commissioners court shall make an order directing the issuance of drainage bonds for such district, sufficient in amount to pay for such proposed improvements, together with all necessary, actual and incidental expenses connected therewith, provided, however, that said bonds shall not exceed in amount one-fourth of the assessed value of the real property in such district as shown by the last annual assessment thereof, made for State and county taxation, nor exceeding the amount specified in said act or such notice of election.

Provided, however, that if after an election has been held establishing the district, the tax authorized or levied, and bonds authorized to be issued, or have been issued, as provided in this act, the commissioners court shall consider it necessary to make any modifications in the said drainage district or in any of the improvements therein, and issue additional bonds, upon the report of the engineer appointed by the drainage commissioners, as authorized by this act, or upon the report of said drainage commissioners, or upon its own motion, shall have the right to order a hearing for said purposes, or either or any of them, and notice thereof shall be given as for original hearings, as in this act provided, and upon the hearing of said matters, or any or either of them, the said commissioners court shall make such orders as it deems proper in the premises; and if such drainage district is modified or changed, or if the improvements therein proposed are changed or altered, and if additional bonds are considered necessary, the said commissioners court shall so find, and such findings entered of record, and a notice of an election for such changes in said district and improvements and the issuance of said bonds shall be held within such time, and the returns of election made as is heretofore provided for in case of an original election, and if two-thirds majority of the property taxpaying voters

of the district voting thereon in favor of such change in such district or improvements and issuance of bonds, the court shall enter the same of record and order such bonds to be issued as in the manner otherwise provided in this act.

Sec. 23. All bonds issued under the provisions of this act shall be issued in the name of the drainage district, signed by the county judge and attested by the clerk of the county court, with the seal of the county commissioners court affixed thereto, and such bonds shall be issued in denominations of not less than one hundred nor more than one thousand dollars each, and such bonds shall bear interest at the rate not to exceed 5 per cent per annum, payable annually or semi-annually. Such bonds shall by their terms provide the time, place or places, manner and conditions of their payment and the interest thereon, as may be determined and ordered by the county commissioners court, but none of such bonds shall be made payable more than forty years after the date thereof. Provided, however, in all drainage districts heretofore created and which have issued and registered bonds with the Comptroller under Chapter 40 of the Acts of the Thirtieth Legislature of Texas, approved March 23, 1907, that all proceedings had and done in connection with and leading up to the creation of such districts, and the issuance of such bonds so registered, except such bonds that were issued and registered with the Comptroller under Chapter 40 of the Acts of the Thirtieth Legislature of Texas in excess of the estimate before the commissioners court when the election was ordered and held, be and the same are hereby held, deemed and declared to be, and to have been regular, valid and legal proceedings under the full intent, purpose and meaning of this law; and all such bonds so issued thereunder are hereby held, deemed and declared to be valid and binding obligations upon such drainage districts.

Sec. 29. All expenses, debts and obligations, after the filing of the original petition necessarily incurred in connection with the creation, establishment and maintenance of any drainage district organized under the provisions of this act shall be paid out of the construction and maintenance fund of such drainage district, which fund shall consist of all money received by said district from whatever source except such portion of the tax collection necessary

to be applied to the sinking fund and payment of interest on the drainage bonds. Provided, that should the proposition of the creation of such drainage district and the issuance of bonds be defeated, at the election called to vote upon the same, then all expenses up to and including said election shall be paid in the following manner: When the original petition praying for the establishment of a drainage district is filed with the county commissioners court, it shall be accompanied by two hundred dollars in cash, which shall be deposited with the clerk of said commissioners court, and by him held until after the result of the election for the creation of said drainage district has been declared and entered of record by the commissioners court, as hereinbefore provided, and should the result of said election be in favor of the establishment of said district, then the said two hundred dollars shall be by said clerk returned to the signers of said original petition, or their agent or attorney; but should the result of said election be against the establishment of said drainage district, then the said clerk shall pay out of the said two hundred dollars, upon vouchers signed by the county judge, all costs and expenses pertaining to the said proposed drainage district up to and including the said election, and shall return the balance, if any, of said two hundred dollars to the signers of said original petition or their agent or attorney.

Sec. 30. Whenever any such district drainage bonds shall have been voted, the commissioners court shall levy and cause to be assessed and collected, taxes upon all property within said drainage district, whether real, personal, mixed or otherwise, and sufficient in amount annually to pay the interest on such bonds as it shall fall due, together with an additional amount to be annually placed in a sinking fund sufficient to discharge and redeem said bonds at their maturity. If advisable, the sinking fund shall, from time to time, be invested in such county, municipal, district or other bonds as shall be approved by the Attorney General of the State, for the benefit of such drainage district. Provided, that in the assessment and collection of the taxes authorized by this act, and in all matters pertaining thereto or connected therewith, said assessor and collector shall have the same powers and shall be governed by the same rules, regula-

tions and proceedings as are provided by the laws of this State for the assessment and collection of taxes for State and county purposes, unless otherwise provided for in this act.

The taxes levied or authorized to be levied by this act shall be a lien upon the property for which said taxes are assessed, and it shall be the duty of the commissioners court, and the said court shall have authority to fix and determine when said taxes shall mature, and upon the failure to pay said taxes when due the penalty provided by the laws of Texas for the failure to pay State and county taxes at maturity shall in every respect apply to taxes herein authorized to be assessed and levied.

Sec. 35. The county treasurer shall be the treasurer for such districts and shall execute a good and sufficient bond payable to the drainage commissioners of such district in a sum equal to the amount of bonds issued, conditioned for the faithful performance of his duty as treasurer of such district, which bond shall be approved by the said drainage commissioners, and the treasurer shall be allowed as compensation for his services as treasurer one-half of 1 per cent upon all moneys by him so paid out upon orders of such districts. Provided, that the county judge, county treasurer, contractor and all bonded officers of such district or districts may be officially bonded in some surety company approved by said drainage commissioners.

Sec. 41. Contracts for making and constructing canals, drains, ditches and levees, straightening and cleaning water courses and other necessary work in connection with any drainage district, shall be let by the drainage commissioners to the lowest bidder, after giving notice by advertising the same in one or more newspapers of general circulation in the State of Texas, once a week for four consecutive weeks, and by posting notices for at least twenty days, in five public places in the county, one of which shall be at the courthouse door and at least two of which shall be within said drainage district, and the contract for each drain, canal, ditch or levee may be let separately or all together; provided, that all the improvements included in the report of the drainage engineer and adopted by the county commissioners court, as provided for in Sections 20 and 21 of this act, shall be constructed.

Sec. 44. The party, firm or corporation to whom any such contract is let, shall give bond, payable to the drainage commissioners of said district, in the amount of the contract price, conditioned that he, they or it, will faithfully perform the obligations, agreements and covenants of their contracts, and that in default thereof will pay to said district all damages sustained by reason thereof. Said bond shall be approved by such drainage commissioners and the county judge.

Sec. 2. All laws and parts of laws in conflict with the provisions of this act be, and the same are, hereby repealed.

Sec. 3. The fact that there have been heretofore authorized and established under said Act of March 23, 1907, drainage districts in certain portions of this State, and that taxes have been levied and assessed for said drainage districts and bonds heretofore issued by said drainage districts, and the fact that there is some doubt as to the legality and regularity of the proceedings in the matter of the establishment of said districts, the assessment and collection of said taxes, and the issuance of said bonds, and it being for the public interest that all said doubts be removed and said acts and proceedings made legal, and the fact that many drainage districts have already been established and elections therein held, but such districts are retarded in their progress by reason of certain defects and inaccuracies in the present law which renders the drainage bonds less salable, and which defects and inaccuracies this bill seeks to correct, constitutes an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and that this act take effect from and after its passage, and it is so enacted.

#### PETITIONS AND MEMORIALS.

By Senator Senter:

At a meeting of the legislative committee of the City Marshals and Chiefs of Police of Texas, the following resolution was adopted:

Resolved, That this committee representing the City Marshals and Chiefs of Police of the State of Texas endorse Senate bill No. 218, introduced by Senator E. G. Senter of Dallas, amending

the present vagrancy law of the State of Texas for the following reasons:

We believe the enactment of this bill into a law will enable the peace officers of this State to rid the cities and towns of a class of loafers and petty thieves which, under the present law, we are unable to cope with. It will also enable us to rid the country of, or bring to justice, all classes who have criminal records, such as pickpockets, burglars, safe blowers and petty thieves who follow circuses and infest the various fairs held throughout the State each year.

We sincerely urge all of the Senators and Representatives to assist in the passage of the bill.

Signed—J. H. Maddox, Chairman; B. F. Brandenburg, B. F. Jenkins, Hollis Barron, G. W. Smith, W. L. Davis, Louis Lowe.

#### TWENTY-NINTH DAY.

Senate Chamber,  
Austin, Texas.

Friday, February 19, 1909.

Senate met pursuant to adjournment, Lieutenant Governor A. B. Davidson presiding.

Roll call, quorum present, the following Senators answering to their names:

Adams.	Paulus.
Alexander.	Peeler.
Brachfield.	Perkins.
Bryan.	Real.
Cofer.	Senter.
Greer.	Stokes.
Hayter.	Sturgeon.
Holsey.	Terrell of Bowie.
Hudspeth.	Terrell, McLennan.
Hume.	Thomas.
Kellie.	Ward.
Masterson.	Watson.
Mayfield.	Weinert.
Meachum.	Willacy.
Murray.	

Absent.

Harper. Veale.

Prayer by the Chaplain, Rev. H. M. Sears.

Pending the reading of the Journal of yesterday, on motion of Senator Hayter, the same was dispensed with.